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Article I – General and Administrative

Section 101 – Definitions and Prohibitions

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Section 102 – Purposes

- A. PURPOSES: GENERAL. *These Regulations are adopted in accordance with the General Statutes of the State of Connecticut, as amended, for the following purposes:*
 - 1. *To promote and to protect the public health, safety, and welfare of the inhabitants of Essex, Connecticut, and the public generally;*
 - 2. *To facilitate transportation, water, sewerage, stormwater, schools, parks and other public benefits;*
 - 3. *To encourage the most appropriate use of land throughout the Town, thereby conserving the value of properties;*
 - 4. *To regulate the height, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards, courts and other open spaces; and the height, size and location of advertising signs;*
 - 5. *To regulate the density of population and the location and use of buildings, structures, and land for trade, industry, agricultural, residence or other purposes;*
 - 6. *To divide the municipality into Districts of such number, space and area as may be best suited to carry out the purposes of these regulations;*
 - 7. *To regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land in such Districts;*
 - 8. *To permit certain classes or kinds of buildings, structures or uses of land within the Town only after obtaining a Zoning, Site Plan or Special Exception permit;*
 - 9. *To aid in bringing about the most beneficial relation between land use and the circulation of traffic throughout the Town, having particular regard to traffic to and from the expressways and the provisions of safe and convenient access appropriate to the various land uses;*
 - 10. *To secure public safety from fire, panic, flood and other dangers;*
 - 11. *To provide adequate light and air;*
 - 12. *To prevent the overcrowding of land;*

13. *To further the policies of the Town of Essex Plan of Conservation and Development;*

14. *To guide development in a manner which values and protects the importance of the natural environment;*

15. *To guide development which minimizes impacts to environmentally sensitive areas, hillsides, surface water and groundwater resources and other sensitive and significant features of the natural landscape; and*

B. PURPOSES: NONCONFORMITIES. It is hereby declared that nonconforming uses, improvements and characteristics are incompatible with and detrimental to permitted uses, improvements and characteristics in the Districts in which they are located; they cause disruption of the comprehensive land use pattern of the Town; they inhibit present and future development of nearby properties; and they confer upon their owners and users a position of unfair advantage. It is a fundamental principle of zoning law that non-conformities are not to be expanded and that they should be abolished or reduced to conformity as quickly as the fair interests of the parties will permit. This principle is declared to be the intent of these regulations. It is the further intent of these regulations that existing non-conformities shall not cause further departures from these regulations and therefore the existence of any present nonconformity anywhere in the Town shall not in itself be considered grounds for the grant of a variance in respect of any other property.

Section 103 - Zoning Commission

A. *This organization shall be known as the Essex Zoning Commission. ("Commission" hereafter).*

B. *The objectives, purposes, duties, and authority of this Commission are those set forth in Chapter 124, Section 8 of the Connecticut General Statutes, as amended, and assigned to this Commission by Town Ordinance adopted November 29, 1965.*

C. *The office of the Commission shall be at the Town Hall, Essex, Connecticut.*

D. *In accordance with Chapter 124, Section 8-2 through 8-4 of the General Statutes of the State of Connecticut, as amended, the Commission shall have the power:*

1. *To establish and amend Zoning Regulations and Districts;*

2. *To enforce the provisions of the Zoning Regulations;*

3. *To hear and decide upon all Site Plan and Special Exception applications;*

4. *To hear and decide upon all other applications over which the Commission has jurisdiction.*

Section 104 - Regulations, General

A. Once established, the regulations, restrictions and boundaries set forth in the Zoning Regulations may, from time to time, be amended, supplemented or repealed by the Commission in accordance with the General Statutes and these regulations either on the initiative of the Commission or by petition from property-owner, interested parties, Town of Essex, or residents of the Town of Essex.

Section 105 - Basic Requirements

A. BUILDINGS AND LAND. No land, building, structure, improvement or portion thereof, shall hereafter be used, and no land, building, structure or portion thereof shall be improved, constructed, reconstructed, located, enlarged or substantially altered, except in conformity with these regulations. No change shall be made in the use of any land or improvement, in the location of any improvement, or in the size or shape of any lot or improvement except in conformity with these Regulations.

B. These regulations are intended to identify the uses of land and/or buildings and structures which are permitted within the Town. Uses not specifically identified on Table Nos. III-1, III-2 and III-3 herein are prohibited.

Section 106 - Application of Regulations

A. APPLICABILITY. If a court of competent jurisdiction finds the application of any provision of these Regulations to any use, land or improvement to be invalid or ineffective in whole, or in part, the effect of such decision shall be limited to the person, property or situation immediately involved in the controversy and the application of any such provision to other persons, property or situations shall not be affected unless specifically stated in said finding.

B. No conveyance or subdivision of land shall be made that creates a non-conforming lot or that increases the non-conformity of an existing non-conforming lot. No building permit, zoning permit or certificate of occupancy shall be issued for erection or occupancy of a building or structure on land conveyed in violation of this section.

C. No building, structure or land shall be used, designed for any use or changed to any use, other than a use permitted in the District in which such building, structure, or land is located except in accordance with these regulations.

D. No building, structure or land shall be erected, enlarged, relocated, structurally altered or used in whole or part until a Zoning Permit is issued stating that the proposed use conforms to the requirements of these regulations. All applications for Zoning Permits shall be adjudicated as per Section 114 A. Zoning Permits.

E. Determination of compliance with these Regulations shall be made by the Commission and/or Zoning Enforcement Agent per Section 114 A.7.

F. Release of any Bonds. See Section 107 A.6.1.

Section 107 – Bonds and Filing Fees

A. BONDS

1. The Zoning Enforcement Agent may at his/her discretion, unless mandated by the Commission, require the posting of a *Bond prior to the issuance of any Zoning Permit* per the *following Bond schedule* as amended from time to time, to guarantee implementation and maintenance of *erosion and sedimentation control measures*. In addition, the Zoning Enforcement Agent may revoke a zoning permit for failure to implement and maintain *the permitted erosion and sedimentation control measures, or for violations these regulations, the Essex Subdivision Regulations, the Essex Inland Wetlands and Watercourses Regulations, or the terms of conditions of any permit or variance issued under such regulations*, or may refuse to approve a building permit or certificate of occupancy as required by Section 8-3(f) of the Connecticut General Statutes.

**Table I – 1
Bond Schedule**

| | |
|---|---|
| <i>All new single family houses.</i> | <i>\$2,000.00</i> |
| <i>Residential additions requiring a foundation over 800 sq. ft. and minor grading for projects under ½ acre on grades in excess of 5%.</i> | <i>\$1,000.00</i> |
| <i>Grading and earthwork exceeding ½ acre for commercial operations in conjunction with a zoning permit.</i> | <i>\$5,000.00 minimum Plus \$1,000.00 per acre in excess of 5 acres</i> |

- 2. This requirement is independent of any street cut/ROW or driveway bonds.
- 3. The bond shall be released on completion of grading and after permanent vegetative growth is established, as determined by the Zoning Enforcement Agent.
- 4.
- 5. *The Zoning Enforcement Agent may require the posting of a Bond for private development on Public Property where such improvements are to be conveyed to, or otherwise owned by, the Town. Said amount shall be as determined by the Zoning Enforcement Agent or Town Engineer consistent with the size, nature and complexity of the Public Improvement.*

6. **RETURN OF BONDS/CERTIFICATES OF OCCUPANCY/PERMIT COMPLETION**

6.1. *No Bonds shall be returned to the Applicant until written certification has been filed by the Zoning Enforcement Agent and or the Town Engineer documenting the completion of bonded improvements in conformance with the approved application.*

6.2 No authorization shall be given by the Zoning Enforcement Officer for the issuance of a temporary and/or permanent Certificate-of-Occupancy until written certification has been filed by the Zoning Enforcement Agent and/or the Town Engineer documenting that all improvements have been completed in conformance with the application and the pre-occupation conditions of the Memorandum of Decision.

6.3 Permitted Activities are considered complete upon written certification being filed by the Zoning Enforcement Agent and/or the Town Engineer documenting all improvements have been completed in conformance with all approved Application and Permit documents including all conditions of approval.

6.4 The Commission may vary requirements of items 6.1, 6.2, and/or 6.3, upon review of a written petition submitted by the Applicant describing reasons for a varying request and a revised schedule of completion for requested varied items.

6.5 The Zoning Enforcement Officer may accept a bond at the time of a request for a Certificate of Occupancy where site improvements are incomplete due to weather or other conditions. Such bond shall be in such form and amount as the Zoning Enforcement Officer may specify to assure the completion of any incomplete items.

B. FILING FEE. The Commission shall require payment of a filing fee of such amount as it may determine for the processing of all applications, permits, publication of notices of hearing, mailings, decisions and inspection of the proposed site and improvements.

C. Applications will be accepted and scheduled for review only after the payment of such filing fee as is prescribed in Section 107 E.

D. Whenever the Applicant shall withdraw any application, a new filing fee in the same amount as prescribed for an original Application, shall be payable in respect to a subsequent Application.

E. The present fee schedule, a copy of which may be obtained in the Zoning Office, may be amended pursuant to an ordinance entitled "An Ordinance Concerning the Adoption of a Schedule of Fees for the Processing of Land Use Applications," a copy of which may be obtained in the Essex Town Clerk's office.

Section 108 - Interpretation

A. In interpreting and applying these Regulations, the Regulations shall be considered as the minimum requirements for the promotion of the public health, safety, and general welfare. When these Regulations impose a greater restriction on the use of buildings or required larger yards, courtyards or other open spaces, or require a greater percentage of lots to be not built or impose other standards higher than those imposed by any law, Regulation, or private agreement, these Regulations shall control. When restrictions are imposed by any law, Regulation or private agreement which are greater than those required by these Regulations, such greater restrictions shall not be affected by these Regulations. When one Section of these Regulations imposes standards

greater than those of another Section, the standards of the more restrictive Section shall control.

Section 109 - Separability

A. SEPARABILITY. If a court of competent jurisdiction finds any provision of these Regulations to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the particular provision which is expressly held to be invalid or ineffective and all other provisions of these Regulations shall continue to be separately and fully effective.

Section 110 - Effective Date

A. ENACTING CLAUSE; TITLE AND REPEAL. The Zoning Commission acting under the authority of the Zoning Enabling Act, hereby adopts and enacts these Regulations as the “Essex Zoning Regulations *REVISION of Month Day, 2018*. The provisions of the Essex Zoning Regulations, *first adopted in November 1961, later repealed in September 1962, then re-adopted on July 1, 1966*, and any amendments thereto, so far as they are the same as in these Regulations, are to be deemed continued and not as new enactments. Any and all provisions of said Regulations and amendments thereto which are inconsistent with the provisions of these Regulations are hereby repealed, but this shall not affect any violation thereof already existing or any penalty incurred and the same may be prosecuted as if these Regulations had not been adopted.

Section 111 - Administration and Enforcement

A. *These regulations shall be administered and enforced by the Commission or its duly appointed agent.*

B. *The Commission shall designate a person hereinafter known as the Zoning Enforcement Agent who shall have all the powers, duties, and responsibilities assigned in these regulations and within the Connecticut General Statutes.*

1. *It shall be the duty of the Zoning Enforcement Agent, as authorized, to enforce the provisions of these regulations.*

2. *The Zoning Enforcement Agent, as authorized, may institute an appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or removal of any building or structure, or the unlawful use of land; to restrain, correct, or abate any violations of these Regulations; to prevent the occupancy of said building, structure or land; or, to prevent any illegal act, conduct, business or use in, on or about the premises, or to cancel any zoning permit for cause. Whenever such acts shall be in violations of the provisions of the Regulations, penalties shall be as provided by the Connecticut General Statutes.*

C. *The Commission or the Zoning Enforcement Agent shall have the authority to:*

1. *Inspect or examine any building, structure, place, premise or use;*

2. *Order the correction of any building, structure, place, premise or use;*

3. *Order discontinuance of illegal uses of lands, buildings or structures;*
4. *Order the removal of illegal buildings or structures or illegal additions or structural alterations;*
5. *Order discontinuance of any illegal work being done;*
6. *Take other action authorized by these Zoning Regulations and/or Statute to ensure compliance with or to prevent violation(s) of these Zoning Regulations.*
7. *Perform other duties and exercise other powers as are authorized by these Zoning Regulations and Statutes.*

Section 112 - Amendments of Regulations and District Boundaries

A. GENERAL. These Regulations and the District boundaries established may, from time to time, be amended, changed or repealed by the Commission in accordance with the provisions of the Chapter 124 of the General Statutes.

B. PETITION FOR CHANGE. Any person having standing to do so may petition the Commission requesting a change in these Regulations or the boundaries of the Districts. A complete petition shall consist of the petition form and filing fee prescribed by the Commission and all documents and statements required to accompany the form. *Fifteen (15) copies of the complete petition shall be delivered to the Zoning Enforcement Agent for transmittal to the Commission at its next regularly scheduled meeting. The date of receipt of such petition shall be deemed to be the earlier of: (a) the date of such next regularly scheduled meeting, or (b) the thirty-fifth (35th) day following the date it was delivered to the Zoning Enforcement Agent.*

C. SUPPORTING INFORMATION. Each petition form shall contain or be accompanied by, in writing:

1. *A full text of any proposed change in these regulations clearly indicating existing provisions to be repealed and new provisions to be enacted;*
2. *A map clearly showing, and a complete written description, of any proposed change in District boundaries, including a precise description by metes and bounds or courses and distances, of the location of the new boundary to be established and a list, keyed to said map, of the names and addresses of the record owners of land within, and within five hundred (500) feet outside, the area to be affected by such boundary change; and*
3. *A complete and comprehensive statement of the reasons for any proposed change.*

Said map required hereby shall be prepared at a scale of 100 feet to one inch unless otherwise prescribed by the Commission and/or its Agent. Whenever the Commission shall deem it reasonably necessary or appropriate to a proper disposition of any petition, it may require the petitioner to submit, at or prior to the public hearing thereon,

additional information in such form as it may reasonably prescribe.

D. FILING FEE. See Section 107 – Bonds and Filing Fees

E. PUBLIC NOTICE REGISTRY. Notice of any application regarding adoption or change of any zoning regulation or zoning district boundary shall be provided in accordance with this subsection in addition to any other notice required under any provision of the General Statutes.

The Commission shall establish a public notice registry of landowners, electors and nonprofit organizations qualified as tax exempt organizations under the provisions of Section 50 1(c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of United States, as from time to time amended, requesting notice under this subsection. The zoning commission, shall place on such registry the names and addresses of any such landowner, elector or organization. A landowner, elector or organization may request such notice be sent by mail or by electronic mail. The name and address of a landowner, elector or organization who requests to be placed on the public registry shall remain on such registry for a period of three years after the establishment of such registry. Thereafter any landowner, elector or organization may request to be placed on such registry for additional periods of three (3) years.

Any notice under this subsection shall be mailed to all landowners, electors and organizations in the public notice registry not later than seven days prior to the commencement of the public hearing on such action, if feasible. Such notice may be mailed by electronic mail if the zoning commission or the municipality has an electronic mail service provider.

The Commission shall not be civilly liable to any landowner, elector or nonprofit organization requesting notice under this subsection with respect to any act done or omitted in good faith or through bona fide error that occurred despite reasonable procedures maintained by the Commission to prevent such errors in complying with the provision of this section.

F. Referrals: See Section 113 – Referrals and Reviews

G. Public Hearing Procedures: See Section 115 B. Public Hearings

H. Standards.

1. The Commission shall consider the following when acting on an application for amendments of these Regulations and District boundaries:

1.1 Determination as to whether the proposed changes are in accordance with the Town of Essex Plan of Conservation and Development (POCD) as prepared by the Essex Planning Commission, latest enacted. The Commission shall state its finding of consistency with said POCD. A concurring vote of a minimum of four seated members of the Commission is required to approve an application in deference to a negative

recommendation rendered by the Essex Planning Commission; and a concurring vote of three seated members of the Commission is required otherwise.

1.2. Determination as to whether the proposed changes are in accordance with the comprehensive plan of zoning of the Town of Essex as found in these Regulations.

1.3. Determination as to whether the proposed changes benefit the welfare of the Town of Essex as a whole.

1.4. Determination as to whether the proposed changes as indicated have considered the character of the district and its peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of the land throughout the Town of Essex.

1.5. Determination as to whether the proposed changes will advance the major goals of zoning as found in Section 8-2 of the Connecticut General Statutes which are to lessen congestion in streets; to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare, to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of the population and to facilitate the adequate provision for transportation, water, sewerage, school, parks and other requirements.

I. Effective Date: An approval action by the Commission on an Application under Section 112 shall include a date at which the Amendment shall take effect.

J. Publication: See Section 115 E. Notice of Decision

Section 113 – Referrals and Reviews

A. GENERAL: The Commission shall submit the application for review to such entities as required by law or as it deems beneficial to make a complete review of said application. Entities may include, but are not limited to:

Town of Essex Department of Health

Town of Essex Building Official

Town of Essex Fire Marshal

Town of Essex Planning, Wetlands, Conservation, Park and Recreation Commissions

Fire Chief – Essex Fire Engine Co. No.1

State of Connecticut Department of Health

State of Connecticut Department of Energy and Environmental Protection

State of Connecticut Department of Transportation

Abutting Community Commissions and Agencies

B. SPECIFIC: Whenever an application is made to the Zoning Enforcement Agent and/or the Commission for a zoning permit, site plan or special exception:

1. For a use or improvement located wholly or partially within the Conservation District, such application shall be referred to the Essex Conservation Commission for an advisory opinion: and

2. For a use or improvement located wholly or partially within the Gateway Conservation District, which may result in potential erosion or sedimentation problems, such application shall be referred to the Connecticut River Coastal Conservation District for a report upon the applicant's proposed erosion and sedimentation controls under the criteria specified in Article III, Section 303.

3. For a variance within the Gateway District, such application shall be referred to the GATEWAY COMMISSION.

1. The full report of the Essex Conservation Commission and/or Connecticut River Coastal Conservation District regarding such application shall be incorporated into the records of the public hearing thereon.

C. PROFESSIONAL REVIEWS AND FEES

1. The Zoning Commission may hire expert consultants as witnesses to provide peer review services as authorized within Town of Essex Ordinance entitled "AN ORDINANCE CONCERNING THE ADOPTION OF A SCHEDULE OF FEES FOR THE PROCESSING OF LAND USE APPLICATIONS", Section 3.3, as approved October 24, 2002 or as amended.

Section 114 - Zoning and Site Plan Permit Application Process and Requirements

A. ZONING PERMITS

1. PERMIT REQUIRED. Whether or not a *site plan*, special exception or a variance has been granted therefore, the issuance of a Zoning Permit shall be issued *only after all approved plans and Conditions of Approval have been met and before*:

1.1 New Improvements. Commencement of construction, placement, relocation or installation of any improvements, including fences and free-standing walls, and also signs where required by these Regulations

1.2. Changes in Improvements. Commencement of enlargement or exterior alteration of any improvement.

1.3. Uses. Commencement of any new, *modification or change of a nonresidential use of premises*;

1.4. Increases in Off-Street Parking and Truck Loading Space Factors. Any increase, with respect to an existing use, of any factor with reference to which off-street parking or truck loading spaces are prescribed in *Article VI, Section 602*; and,

1.5. Diminution in Off-Street Parking and Truck Loading Spaces. Any diminution in the size or number of off-street parking spaces or truck loading space serving any existing use *provided that the total number of parking spaces is not reduced below the minimum allowed in these regulations.*

1.6. Lot Line Revisions: All lot line revisions, as defined in these Regulations,.

2. WHO MAY APPLY. An application for a Zoning Permit may be made by:

2.1. Owner. The owner, or all the joint owners, of the lot to which such application relates;

2.2. Purchaser. The purchaser, or all the purchasers, under a written contract to purchase the premises provided that the written consent to the grant of such Zoning Permit of the owner, or all the joint owners, of the premises accompanies the application; or

2.3. Lessee. The holder, or all the joint holders, of a leasehold interest in the premises under a written lease provided that the written consent to the grant of such Zoning Permit of the owner, or all the joint owners, of the premises accompanies the application.

3. SUBMISSION OF APPLICATION. A complete application shall consist of the application form and filing fee prescribed by the Commission and all documents and statements required to accompany the form. Each application form and accompanying documents and statements, *with one complete copy*, shall be delivered, to the Zoning Enforcement Agent. The date of receipt by him of a complete application shall be deemed to be the date of submission of such application.

4. SUPPORTING INFORMATION. Each *completed* application shall *be accompanied by the following Supporting Information:*

4.1. A site plan *per Appendix B Site Plan Standards* and showing the tax map lot number or numbers of the land to which such application relates, and

4.2. A complete and comprehensive statement describing the improvement or *modification* and the use made or to be made thereof.

4.3. Identification *and mailing list* of *abutting* property owners.

4.4. Whenever the Zoning Enforcement Agent shall deem it reasonable, necessary or appropriate to a proper disposition of any application, he may require the applicant to submit any one or more of the items of information described in *Section 115 A.*, or other information, in such form as he may prescribe (specifically including digital form), including a report issued by an attorney admitted to practice law in Connecticut describing the state of the title to the land to which such application relates.

5. FEE. See Section 107 – BONDS AND FILING FEES

6. REFERRALS. See Section 113 Referrals and Reviews

7. DETERMINATION. The Zoning Enforcement Agent shall grant the application and issue a Zoning Permit if he finds that the proposed improvement or change, and the land upon which it is to be situated, complies with all the pertinent requirements of these Regulations, including any Site plan permit, Special Exception or variance granted therefore. He shall deny the application if he:

7.1. is unable, for lack of information, to determine whether or not the proposed improvement or change, and the land upon which it is to be situated, complies with all such pertinent requirements.

7.2. finds that the proposed improvement or change, or the land upon which it is to be situated, does not comply with all such pertinent requirements,

7.3. finds that the land upon which a proposed building is to be situated is within a subdivision, as that term is defined in Section 8-18 of the Connecticut General Statutes as the same may hereafter from time to time be amended, which has not previously been duly approved by the Essex Planning Commission, or

7.4. finds that the proposed use or improvement is or involves a “regulated activity” as that term is defined in the Essex Inland Wetlands and Water Courses Commission as required in said Regulations.

8. TIME FOR DECISION, NOTICE OF DENIAL. The Zoning Enforcement Agent shall promptly grant or deny application for a Zoning Permit. In the event of denial, other than by expiration of the period for decision, the Zoning Enforcement Agent shall issue, within five days after his decision, written notice of denial to the applicant either personally or by certified mail. Each Zoning Permit granted shall be embodied in writing which shall:

8.1. specify the name of the record owner or owners of the premises with respect to which it is granted,

8.2. specify the tax map lot number or numbers of said premises, and

8.3. describe in detail the particular improvement or change authorized. Said writing shall be signed by the Zoning Enforcement Agent.

9. EXPIRATION OF PERMIT. A Zoning Permit requiring construction shall expire one year following its issuance if construction shall not have been commenced within said period and shall expire two years following its issuance if construction shall not have been completed within said period; provided however, that the Zoning Enforcement Officer may, where construction is being diligently pursued, extend such Zoning Permit for one (1) additional year, and may grant up to three (3) such on-year extensions. A new permit shall be required to complete construction begun under a

permit which has expired.

10. NOTIFICATION TO ADJACENT PROPERTY OWNERS. Written notification of issuance of a Zoning Permit shall be mailed within seven days of the date of issue of the Zoning Permit to adjacent property owners within one hundred (**100**) feet of an applicant's property line.

11. ZONING COMPLIANCE. If the Zoning Enforcement Agent shall deem it reasonable, necessary, or appropriate to verify that a lot, structure, and/or use is in compliance with the requirements of the Zoning Regulations, he may require the applicant/owner to submit:

11.1. A certified A2 plot plan, prepared by a registered land surveyor licensed to practice in the State of Connecticut.

11.2. An as-built plan of the structure foundation prepared by a land surveyor currently licensed *to practice* in the State of Connecticut.

12. RETURN OF BONDS/CERTIFICATES OF OCCUPANCY/PERMIT COMPLETION

12.1. *See Section 115 M.*

B. SITE PLAN PERMITS

1. PROCEDURE. An application for site plan approval shall be subject to the procedural requirements of the following sections of Section 115 A. hereof (Special Exception Applications):

1.1. *See Section 115 A.1. Concerning who may apply.*

1.2. *See Section 115 A.4. Concerning submission of the application.*

1.2.1 *An application for a site plan approval with all documents and determined to be complete by the Zoning Enforcement Agent is encouraged to be submitted a minimum of twenty-one (21) calendar days prior to the next regularly scheduled Commission meeting. Said application shall to be placed as an item on the "Regular Meeting" portion of the agenda to be presented before the Commission.*

1.2.2 *Site plan applications submitted less than twenty one (21) calendar days prior to a regular scheduled meeting or those deemed not complete as determined by the Zoning Enforcement Agent shall be placed on the next meeting agenda as an item under "Receipt of New Applications" as received by the Commission to be scheduled for the next Commission meeting.*

1.3 *See Section 115 A.5. Concerning supporting information, including the waiver provision of Section 115 A.11.*

1.4 See Section 115 A.4. through 115 A.9. and 115 A.13.. Concerning maps and drawings, except that the applicant may request a waiver of the entity required to prepare said items which the commission may grant if it finds that the maps and drawings submitted are adequate to properly decide the application. In addition, upon request, the commission may allow a site plan of only the portion of a parcel which is proposed for approval, when information on the remainder of the parcel is not needed to decide the application.

1.5. See Section 115 B.3. Concerning maintaining a record.

1.6. Fees. See Section 107 – Bonds and Filing Fees

1.7. APPLICATION NOTIFICATION: See Section 115 A.15.

1.8 *Inland Wetlands and Watercourses:* If an application involves an activity regulated pursuant to Connecticut General Statutes Section 22a-36 to 22a-45, inclusive, (inland wetlands and watercourses), such application shall first be submitted to the Essex Inland Wetlands and Watercourses Commission, and shall complete such application process prior to filing an application for site plan permit.

1.9 In accordance with Section 8-25a of the Connecticut General Statutes, as amended by Public Act 84-330, any development providing water by means of a "water company", as that term is defined in Connecticut General Statutes Section 16-262m(a), shall provide to the Commission a certified copy of a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Department of Public Utility Control. No application for Site Plan Permit involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Essex Board of Selectmen waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers. The Commission may accept a Phase I Certificate of Public Necessity and Convenience at the time of application and condition approval on the issuance of a final Certificate prior to the commencement of construction.

2 REFERRALS. See Section 113 Referrals and Reviews

3 TIME LIMITS.

3.1. The commission may, but is not required, to hold a public hearing on an application for site plan approval. *The Commission* shall hold a public hearing only if it determines that the application is of considerable public interest. If no public hearing is held, the commission may, in its discretion, allow written or oral comment from interested parties at or prior to a meeting of the commission to consider the application.

3.2. If a public hearing is conducted, *the procedure shall comply with Section 115 B.*

3.3. If an application involves an activity regulated pursuant to Connecticut General Statutes Section 22a-36 to 22a-45, inclusive, (inland wetlands and watercourses) and

the time for a decision by the commission established pursuant to this section would elapse prior to the thirty-fifth (35th) day after a decision by the inland wetlands agency, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency, and the commission shall consider the decision of such agency. The provisions of this subsection shall not be construed to apply to any extension consented to by an applicant or petitioner.

4. STANDARDS. A site plan application shall be approved, modified and approved, or denied based upon the following standards:

4.1. CONFORMANCE WITH ZONING REGULATIONS. *The plan shall comply with all the specific provisions of these regulations which are applicable thereto.*

4.2. EMERGENCY SERVICES. All buildings, structures, uses, equipment, or materials shall be readily accessible for fire, police and emergency medical services, and protected against hazards from fire, and flood and other hazards to public safety.

4.3. TRAFFIC ACCESS. All proposed driveways or other traffic access ways and appurtenant curb cuts shall be located so as not to create traffic hazards and shall be adequate in width, grade, alignment, and visibility to provide safe and convenient access.

4.4. CIRCULATION AND PARKING. Adequate off-street parking and loading spaces shall be provided to prevent on-street congestion and the interior circulation system shall be adequately designed and marked to provide safe and convenient movement for both vehicles and pedestrians through the parking area and to all uses, structures, and parking spaces.

4.5. LANDSCAPING AND SCREENING. Existing trees shall be preserved to the maximum extent possible, and parking and service areas shall be suitably screened and buffered during all seasons of the year from view of adjacent residential areas and streets. In addition, land located in the *LI, B, C, MI and LIM* Districts shall comply with *Article VI, Section 604*.

4.6. LIGHTING. Glare from the installation of outdoor lighting and illuminated signs shall be properly shielded from the view of adjacent property and public streets.

4.7. PUBLIC HEALTH. All utility systems shall be suitably located, adequately designed, and properly installed to serve the proposed use, to protect the property from adverse air, water or land pollution, and to preserve and enhance the environmental quality of the surrounding neighborhood and that of the town.

4.8. NATURAL AND HISTORICAL RESOURCES. The development of the site shall seek to preserve sensitive environmental land features such as steep slopes, wetlands, and large rock outcroppings and preserve scenic views of historically and archaeologically significant features.

5. DECISION. The Commission shall approve the application if it complies with

the standards set forth in these regulations and shall modify and approve or deny the application if it does not, which decision may be incorporated into a Memorandum of Decision. A copy of any decision or Memorandum of Decision shall be sent by certified mail to the person who submitted such application within fifteen (15) days after such decision is rendered and notice thereof shall be published as required by statute.

6. FILING OF APPROVED SITE PLAN

6.1. When an approval has been granted by the Commission, one (1) mylar and three (3) copies of the approved plan, on which all modifications imposed by the Commission as part of the approval have been clearly indicated and noted in the revision block, shall be filed with the Zoning Enforcement Agent within sixty (60) days of approval (or such other time as determined by the commission), for signature by the Chairman of the Commission. A mylar copy of the approved signed site plan shall be filed by the applicant on the land records of the Town of Essex.

6.2. No development shall be permitted except in conformity with the approved *and Filed* site plan, except as provided in Section 7 below

6.3. *Exception:*

6.3.1 *No filing on the land records is required for a change of use permit which involves no physical change to the site or the building.*

7. AMENDMENTS AND MODIFICATIONS TO AN APPROVED SITE PLAN

7.1 *A minor amendment and/or modification as defined in Section 115 H.3. may be submitted to the Zoning Commission in accordance with Section 114 B. excluding the requirement for notification of abutters.*

7.2. *All other amendments and/or modifications shall comply with Section 114 B. in its entirety.*

C. CONTENTS OF COASTAL SITE PLAN. Applications for approval for a Coastal Site Plan filed with the appropriate Zoning Authority shall comply with the provisions of Section 115A.4. of the Essex Zoning Regulations, in so far as the same may be applicable thereto. In addition to the requirements set forth in said section, a Coastal Site Plan shall include a plan showing the location and spatial relationship of coastal resources on and contiguous to the site; a description of the entire project with appropriate plans, indicating project location, design, timing and method of construction; an assessment of the capability of the suitability of the project for the proposed site; an evaluation of the potential beneficial and adverse impacts of the project and a description of proposed methods to mitigate adverse effects on coastal resources. In addition, the applicant shall demonstrate to the Commission that the adverse impacts of the proposed activity on coastal resources and future water dependent development activities are acceptable and shall demonstrate that such activity is consistent with the goals and policies in Section 22a-92 of the Connecticut

General Statutes, as amended. The applicant shall also address coastal resiliency for sites along the Connecticut River or its tributaries.

1. PROCEDURE.

1.1. Whenever a Coastal Site Plan is presented to the Zoning Commission, the Planning Commission or the Zoning Board of Appeals, that Commission or Board shall approve, modify, condition or deny the activity proposed in the Coastal Site Plan on the basis of the criteria listed in Section 22a-106 of the Connecticut General Statutes as amended from time to time, to ensure that the potential adverse impacts of the proposed activity on both coastal resources and future water dependent development activities are acceptable.

1.2. In approving any activity proposed in a Coastal Site Plan, the Commission or Board shall make a written finding that the proposed activity with any conditions or modifications imposed by the Commission or Board:

1.2.1 Is consistent with all applicable goals and policies in Section 22a-92 of the Connecticut General Statutes, as amended.

1.2.2 Incorporates as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water dependent development activities.

D. FLOOD HAZARD AREA PERMITS. Development, including new construction, substantial improvement and the placement of prefabricated buildings, may be made within Special Flood Hazard Areas only after a Flood Hazard Area Permit therefore has been obtained.

1. Application. See Section 115 A.1. WHO MAY APPLY

2. Submission of Application. See Section 115 A.4. SUBMISSION OF APPLICATION

3. SUPPORTING INFORMATION. See Section 115 A.5. SUPPORTING INFORMATION

4. The following *additional* information is required in connection with all applications:

4.1 Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

4.2. Elevation in relation to mean sea level to which any structure has been or will be flood proofed;

4.3. Certification by a registered professional engineer or architect that the flood proofing methods for any structure meet the flood proofing criteria of these regulations;

4.4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, certification by a registered professional engineer that the flood carrying capacity within the altered or relocated portion will be maintained, and evidence that adjacent towns affected and the Connecticut Department of *Energy and Environmental Protection*, Water Resources Unit, have been notified;

4.5. Plans for any walls to be used to enclose space below the base flood elevation;

4.6. If necessary permits from those Federal, State or Town governmental agencies from which prior approval is required.

5. *REFERRALS. See Section 113 Referrals and Reviews*

6. Fees. *See Section 107 – Bonds and Filing Fees*

7. Duties and Responsibilities of the Zoning Enforcement Agent. Duties and responsibilities of the Zoning Enforcement Agent in the administration of this Section D shall include but not be limited to the following:

7.1. Permit Application Review.

7.1.1 Review all Flood Hazard Permit applications to determine that the requirements of this regulation have been satisfied;

7.1.2. Review all such permit applications to assure that all other necessary permits have been received from those Federal, State or Municipal Town governmental agencies from which prior approval is required; and

7.1.3. Review plans for walls to be used to enclose space below the base flood level in accordance with these regulations.

7.2. Other Base Flood Data. When base flood elevation is not provided on the current Flood Insurance Rate Map, the Zoning Enforcement Agent shall obtain, review and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer the standards of this regulation. In addition, the Zoning Enforcement Officer may require additional studies or data to confirm compliance with the flood safety standards of these Regulations.

7.3. Information to be Obtained from the Applicant and Maintained.

7.3.1. The actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;

7.3.2. For all new and substantially improved flood-proofed structures, the actual elevation (in relation to mean sea level), to which the structure was flood proofed.

7.3.3. Evidence that adjacent towns and the Connecticut Department of *Energy and Environmental Protection*, Water Resources Unit, have been notified prior to any alterations or relocation of a watercourse;

7.3.4. Certification that the flood carrying capacity within the altered or relocated portion of a watercourse will be maintained; and

8. Interpretations of Boundaries. Make interpretations where needed, as to the exact location of the boundaries of Special Flood Hazard Areas, such as where there appears to be a conflict between a mapped boundary and actual field conditions.

E. RETURN OF BONDS/CERTIFICATES OF OCCUPANCY/PERMIT COMPLETION

1. *See Section 115.M.*

Section 115 - Special Exception Permits

A. SPECIAL EXCEPTION APPLICATIONS

1. WHO MAY APPLY. An application for a Special Exception under these Regulations may be made by:

1.1. OWNER. The owner, or all the joint owners, or the authorized agent thereof, of the premises to which such application relates;

1.2. PURCHASER. The purchaser, or all the purchasers, or the authorized agent thereof, under a written contract to purchase the premises provided that the written consent to the grant of such special exception of the owner, or all the joint owners of the premises, accompanies the application; or

1.3. LESSEE. The owner, or all the joint owners, or the authorized agent thereof, of a leasehold interest in the premises under a written lease provided that the written consent to the grant of such special exception of the owner, or all the joint owners, of the premises accompanies the application.

2. Authorized Signature

2.1. *The signature(s) of the owner, or all the joint owners, and the authorized agent thereof, of the lot to which such application relates is required on the application.*

3. FEE. *See Section 107 – Bonds and Filing Fees*

4. SUBMISSION OF APPLICATION. A complete application shall consist of the application form, *completed site plan drawings*, the signed and completed checklist as provided in *Appendix “B”*, all supporting information and filing fee prescribed by the Commission and required to accompany the application form. Fifteen (15) copies of the complete application shall be delivered to the Zoning Enforcement Agent for

transmittal to the Commission at its next regularly scheduled meeting. The date of receipt of such application shall be deemed to be the earlier of:

4.1. the date of such next regularly scheduled meeting, or

4.2 the thirty-fifth (35th) day following the date it was delivered to the Zoning Enforcement Agent.

5. SUPPORTING INFORMATION. Each application form shall contain or be accompanied by, in writing:

5.1. DESCRIPTION OF PREMISES. A description, by metes and bounds or courses and distances, of the land to which such application relates;

5.2. LIST OF NEIGHBORING OWNERS. A list, keyed to an appropriate map, of the names and addresses of the record owners of land abutting, and directly across the street from, the land to which such application relates, as such names are recorded in the Assessor's Office on the current Grand List; if any such property is in the condominium form of ownership, only the name of the association shall be required.

5.3. DESCRIPTION OF PROPOSED USE. A complete and comprehensive statement describing the proposed use and all improvements relating thereto;

6. INLAND WETLANDS AND WATERCOURSES: If an application involves an activity regulated pursuant to Connecticut General Statutes Section 22a-36 to 22a-45, inclusive, (inland wetlands and watercourses), such application shall first be submitted to the Essex Inland Wetlands and Watercourses Commission, and shall complete such application process prior to filing an application for site plan permit.

7. In accordance with Section 8-25a of the Connecticut General Statutes, as amended by Public Act 84-330, any development providing water by means of a "water company", as that term is defined in Connecticut General Statutes Section 16-262m(a), shall provide to the Commission a certified copy of a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Department of Public Utility Control. No application for Special Exception involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Essex Board of Selectmen waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers. The Commission may accept a Phase I Certificate of Public Necessity and Convenience at the time of application and condition approval on the issuance of a final Certificate prior to the commencement of construction.

8. SITE DEVELOPMENT PLAN(S) See Appendix B Site Plan Standards

9. MULTIPLE DWELLINGS AND MULTIPLE DWELLING PROJECTS. Whenever such application relates to a use authorized *within the Rural Residence-Multi-Family District* of these Regulations, and the property is to be subdivided, then in addition to the

information prescribed in *Section 115 A.5.*, the Site Development Plan shall show or be accompanied by:

9.1. All and the same information required to be shown upon a final subdivision plan under Sections 5 & 6 of the Essex Subdivision Regulations shall be shown on the required Site Development Plan;

9.2. Complete plan profiles for all proposed streets, utilities, special structures, and other improvements to be dedicated to the Town in the manner and containing the information prescribed in Sections 5 & 6 of the Essex Subdivision Regulations;

10. NONCOMMERCIAL CUTTING OF TIMBER. Whenever such special exception application relates to premises located wholly or partially within the Gateway Conservation District: a plan describing the existing mix of forest tree species and their approximate height, age, and density; and a complete description of the cutting or removal activities to be undertaken in preparing the site for any proposed improvement in accordance with Section – of these Regulations;

11. WAIVER. An applicant may request a modification of the requirement herein to furnish any one or more of the items of information prescribed in *Section 115 A.4-7* as provided for in APPENDIX B, Checklist for Special Exceptions. In deciding any such request, the Commission shall determine whether or not the submission of the information prescribed by the items for which waiver is requested is reasonably necessary or appropriate to a proper disposition of the application. An application with respect to which a waiver is requested hereunder, although previously incomplete, shall be deemed complete upon the grant of a waiver of all items for which such waiver is requested. An application may be considered received by the Commission subject to the condition that any item(s) for which waiver(s) have been denied be submitted to the Commission with sufficient time to be deliberated upon during the Public Hearing.

12. SUPPLEMENTAL INFORMATION. The Commission may, at any time after the submission of any application hereunder, determine that additional information is reasonably necessary or appropriate to a proper disposition of the application, and shall then notify the applicant of the specific additional information required. Such additional information may include, for example *but not be limited to*, a sanitation report prepared by a licensed professional engineer where the application indicates that proposed or existing buildings upon the premises to which such application relates are to be used for human occupancy, and that the premises, or portions thereof, have severe subsurface absorption limitations *and/or a traffic report prepared by a licensed professional engineer specializing in traffic and roadway topics.*

12.1. SUBMISSION AND REVIEW OF SUPPLEMENTAL INFORMATION: If the applicant shall elect to furnish such additional information, *then:*

12.1.1 *The applicant may* present a revision to its application or supplement it with additional information or reports, either based on its own determination or based upon a request from the Commission as described in *Section 115 A.12.* above. If the applicant revises or supplements its application, it shall do so by filing said

information in the zoning office at least eleven (11) days before the commencement of the public hearing on said application or any continuance thereof. If said information is not filed by said time, the Commission may give less weight to said information, or may commence and continue the public hearing without testimony or may commence, hear testimony and continue said public hearing to allow a thorough review of said information by the Commission and the public. Similarly, documents submitted by intervening parties or other interested parties shall be submitted to the zoning office at least eleven (11) days before the commencement of the public hearing, or promptly after the submission of any revised or supplemented materials by the applicant, and if said information is not filed on time, the Commission may give less weight to said information or may continue the public hearing to allow a thorough review of said information by the Commission and other interested parties.

12.1.2 *The applicant may file with the Commission a written consent to the extension, for an additional period of up to a total of sixty-five (65) days, of the period within which the Commission is required open a public hearing, close a public hearing, or act upon the application under Section 8-26 of the Connecticut General Statutes and Section 115 B hereof.*

12.2. *If the applicant shall decline or fail to furnish such additional information, the Commission shall proceed to a determination upon the application under these Regulations.*

13. MAPS AND DRAWINGS. *All information required under Section 115 A.4. thru 9. above concerning distances, areas, grades, contours and other existing or proposed geo physical and topographical information shall be shown on a map or maps prepared by a registered professional engineer or registered land surveyor, as required for their respective areas of expertise. All information concerning the design and construction of proposed improvements shall be shown on a drawing or drawings prepared or approved by a licensed professional engineer, provided, however, that information relating to *building related* factors concerning aesthetic design may be shown on a drawing or drawings prepared or approved by a registered architect.*

14. REFERRALS. *See Section 113 Referrals and Reviews*

15. PROPERTY NOTIFICATION of SPECIAL EXCEPTION PUBLIC HEARING:

15.1 Provide a notification sign as required and described in Appendix B

B. PUBLIC HEARING.

1. *Public Hearing(s) shall be held in conformity ~~conformance~~ with Ct. General Statute Title 8, Chapter 124, Section 8-7d Hearings and Decisions, Time Limits, Day of Receipt, Notice to Adjoining Municipalities.*

2. PUBLIC HEARING PROCEDURES

2.1. The Commission shall, as required by law, hold Public Hearings upon

Applications for Special Exceptions, Applications for Amendment of the Regulations or Zoning Map and upon any proposal by the Commission to amend the Regulations. The Commission may hold Public Hearings upon such other matters as it may deem appropriate. The Commission may, in its discretion, continue said hearing to a later date or dates within the time allowed by statute.

2.2. Notice of the time and place of each Hearing *as per Section 115 A.15. and the Notice publication dates may be read aloud into the Record.*

2.3. Whenever the Commission shall schedule a Public Hearing upon an Application for Special Exception, written notice thereof shall be given by mail, dispatched not later than the first date upon which notice of such Hearing is published in a newspaper of general circulation in the area, to each owner of land abutting the premises involved in such Application . Such notice may be addressed to any such owner at the address of the owner shown on the records of the Town Tax Assessor. In the case of an abutting property is that is owned in the condominium form of ownership, notice need only be mailed to the association address. In addition, the Applicant shall place a notice of the public hearing on the property involved as required in Section 115 A.15. of the Essex Zoning Regulations.

3. RECORD. The Commission shall call in a competent stenographer to take the evidence or shall cause the evidence to be recorded by a sound recording device in each hearing upon an application for a Special Exception. All exhibits accepted in evidence shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record. All testimony given, or statements made at a public hearing may, if so required by the Commission, be given or made under oath.

4. TESTIMONY

4.1. Except as provided in *Section 115 B.2.4. and 2.5.* above, at every Hearing any person may appear in person, or may be represented by agent or attorney. One or more related matters may be heard at any Hearing, but deliberations and discussions shall be held and made separately. The following rules shall govern the procedure at Hearings in the case of each matter to be heard: The notice of the Hearing as it pertains to the matter then to be heard, including the dates of publication required by law, may be read as well as any correspondence required by law. Other correspondence may be summarized, with copies available to the public. Additionally, evidence thereon shall be received in the following order:

4.2. APPLICANT:

4.2.1. The applicant shall be heard in support of its Application; and shall present such written information as it deems necessary.

4.2.2. In Hearings on Commission proposals, the Commission's *Agent acting as the Applicant* shall present its proposal.

4.2.3. The Commission shall have the opportunity to question the Applicant;

4.2.4. Persons in attendance shall, in turn have the opportunity to cross examine the Applicant (such cross examination shall be confined to questions, rather than statements or arguments in favor or opposition, concerning only the matter presented by the Applicant in support of the Application);

4.3 PROPONENTS:

4.3.1. Persons in attendance on behalf of the Applicant or who wish to speak in favor of the Application shall, in turn, have the opportunity to be heard in support of the Application;

4.3.2. The Commission shall have the opportunity to question any person speaking in support of the Application;

4.3.3. Persons in attendance shall, in turn have the opportunity to cross examine any person who shall have spoken in support of the Application (such cross-examination shall be confined to questions, rather than statements or arguments in favor or opposition, concerning the matters presented by the person questions);

4.4. OPPONENTS

4.4.1. Persons in attendance who oppose the Application shall, in turn, be given an opportunity to be heard in opposition;

4.4.2. The Commission shall have the opportunity to question any person who shall have spoken in opposition to the Application;

4.4.3. Persons in attendance shall, in turn, have the opportunity to cross examine persons who shall have spoken in opposition to, or in support of, the Application (such cross examination shall be confined to questions rather than statements or arguments in support of or opposition to the Application, concerning the matter presented by the person questioned);

4.5. SUMMARY:

4.5.1. The applicant shall be given an opportunity to summarize the case in support of its Application before the close of the Public Hearing;

5. CLOSURE OF PUBLIC HEARINGS: *The Commission may close the Public Hearing by simple majority vote of its seated members as follows:*

5.1. *Upon request of the Applicant*

5.2. *Upon completion of Section 115 B.4. Testimony above and/or*

5.3. Upon the required extent of time as per Section 115 B. Public Hearing above.

C. STANDARDS. Whenever an application for a special exception is made to the Commission under Section 115 A. of these Regulations, the Commission shall, in deciding such application, consider, and make appropriate findings relating to, the following criteria, C.1 below , in the light of the nature, location, size, intensity, and other structural and functional characteristics of the proposed use and the buildings and other improvements associated with it:

1. CRITERIA AND CONDITIONS OF TO CONSIDER ACTION ON CERTAIN SPECIAL EXCEPTIONS

1.1 GENERAL. The conditions subject to which a Special Exception shall be granted when reference is made in these Regulations to this Section 115 C. are as follows:

1.2 ARCHITECTURAL DESIGN. The architectural design of buildings and signs, including the building materials, and exterior elevations, shall be of such character as to harmonize with the neighborhood and accomplish a transition in character between premises of dissimilar uses and improvements;

1.3. SITE PLAN. The site plan, arrangement of buildings and other improvements, including landscaping, storm drainage, sanitary facilities, outdoor illumination, and vehicular parking facilities shall be of such character as to harmonize with the neighborhood and accomplish a transition in character between premises of dissimilar uses and improvements;

1.4. NEIGHBORING PREMISES. The proposed use and improvements shall not adversely affect the enjoyment, usefulness and value of premises in the general neighborhood thereof;

1.5. TRAFFIC. The proposed use and improvements shall not adversely affect the pattern, flow, intensity or character of traffic in the streets, or produce unsafe or inconvenient traffic congestion.

1.6. CROWDING. The proposed use shall not unduly or unsafely increase the degree of population concentration and building density in the general neighborhood thereof;

1.7. CONFORMANCE WITH THE PLAN OF CONSERVATION AND DEVELOPMENT - POCD

1.8 ON-SITE SEWAGE DISPOSAL SYSTEM. When, in connection with the proposed use, any existing or proposed building is to be used for human occupancy, such use or building shall either be served by a municipal sewage system or the lot of such proposed use shall be of such shape, size, location and of such geologic and topographic character as to accommodate, without endangering or disturbing any wetland or watercourse, all proposed buildings and improvements, with setbacks and

off-street parking facilities required hereunder, as well as any necessary on-site subsurface sewage disposal system, with required reserve area, and a water supply system, both of which systems shall conform in design and function to the requirements of the State Health Code and regulations enacted by the State Department of Health thereunder, and to the requirements of any applicable Town sanitary regulations pertaining thereto. If the applicant proposes to utilize a community sewerage system, as defined in Connecticut General Statutes Section 7-245, a report from the Essex Water Pollution Control Authority indicating that all requirements of Connecticut General Statutes Section 7-246f have been satisfied shall be provided.

1.9 CONSERVATION DISTRICT (Cons). Where such application relates to premises wholly or partially within a Conservation District, the proposed use and improvements shall not adversely affect the natural resources and natural ecological processes within or in the general neighborhood of the premises;

1.10. GATEWAY CONSERVATION DISTRICT (GWC). Where such application relates to premises wholly or partially within the Gateway Conservation District, the proposed use and improvements shall be consistent with the purposes of Public Act 74-103, as the same may from time to time hereafter be amended, for promoting and protecting the “Conservation Zone” described therein and shall not detract from the natural or traditional riverway scene; and

1.11. OTHER CONDITIONS. Such other reasonable conditions as the Commission may deem necessary or appropriate to impose for the purpose of preventing or diminishing: (a) any adverse effect of the use, land, or improvements to be authorized upon the health, safety, and welfare of the community, (b) any undue annoyance or disturbance of the occupants of premises in the general neighborhood of such use, land or improvements for the general principal uses permitted in the district thereof under these Regulations and predominately existing therein.

1.12. WATER SUPPLY FACILITIES.

1.12.1. When such application relates to “Water Supply Facilities’,” the Commission shall determine whether or not the proposed facility constitutes a feasible and prudent method of providing water service taking into account (1) the need for the benefit to be derived from the proposed facility, (2) alternatives to the proposed facility, (3) the comparative economic costs involved, and (4) the character and degree of impact to the surrounding area. The Commission shall approve the application if it finds that the proposed facility constitutes a feasible and prudent method of providing water service. Where an application does not submit a final Certificate of Public Convenience and Necessity at the time of application, the Commission may condition approval upon the issuance of such Certificate.

1.12.2. In considering the impact of the proposed facility to the surrounding area under (4) above, (1) the Commission shall consider and take into account the degree of care that applicant has exercised to protect the surrounding area and the Commission shall not approve an application if the applicant has not exercised reasonable care,

and (2) the Commission shall consider and take into account the public purpose to be served by the proposed facility and shall balance such public purpose against any adverse impact to the surrounding area and determine whether or not the proposed facility, on balance, promotes the general welfare of the Town and its citizens.

1.12.3. Subsections 115 C.1.1.1., 1.1.2., and 1.1.3. shall not apply to an application for a special exception for a water supply facility.

1.13 The Commission shall give due consideration to any report received from the Essex Inland Wetlands and Watercourses Commission.

D. DECISION.

1. The Commission shall grant an application for a special exception hereunder if it finds that the nature, location, size, intensity, and other structural and functional characteristics of the proposed use, and the buildings and other improvements associated with it, conform to all of the conditions prescribed therefore in these Regulations and the STANDARDS set forth in Section 115 C. above. The Commission shall deny any application for a Special Exception hereunder if:

1.1. It is unable, for lack of information, to determine whether or not the nature, location, size, intensity, and other structural and functional characteristics of the proposed use, and the buildings and other improvements associated with it, conform to all of said requirements of these regulations: or

1.2 It finds that any aspect or element of the proposed use, and the buildings and other improvements associated with it, does not conform to any "one" of said requirements; or

1.3 It finds that any aspect or element of the proposed use, and the buildings and other improvements associated with it, does not conform to any "one" of the STANDARDS as set forth in Section 115 C. above.

2. The concurring vote of a majority of the *seated* members of the Commission shall be necessary to grant any application for a Special Exception hereunder. The Commission shall decide an application for a Special Exception hereunder within sixty-five (65) days after the close of the public hearing thereon unless such period shall have been extended with the written consent of the applicant, provided that no decision shall be made on an application involving a "regulated activity" as defined by the Essex Inland Wetlands and Watercourses Regulations until no more than thirty-five (35) days after receipt from a report from the Essex Inland Wetlands and Watercourses Commission. Whenever the Commission grants an application for a Special Exception, the Commission's decision shall become effective at such time as is specified by the Commission or, if not specified, upon recordation of a copy of the Commission's Memorandum of Decision, referred to in Section **115 J.** on the Essex Land Records. The grant of a Special Exception hereunder shall not constitute, nor relieve the applicant from seeking, any other license, permit or approval required to implement any aspect of the proposed use or improvements approved.

3. In granting a Special Exception, the Commission may modify the proposal to increase conformance with the criteria of these Regulations, or may grant the approval subject to conditions which increase such conformance.

E. NOTIFICATION OF DECISION. A legal notice of the decision of the Commission upon each Special Exception application shall be published in a newspaper having a substantial circulation in the municipality within fifteen (15) days after such decision has been rendered. A copy of the text of said legal notice shall be filed in the Office of the Essex Town Clerk prior to the effective date of the decision to which it relates and a copy thereof shall also be mailed, by certified mail, to the applicant or his attorney or agent of record within fifteen (15) days after the date of the decision is rendered. Such legal notice shall be a simple statement that such application was granted or denied together with the date of such action.

F. STIPULATION OF APPROVAL Whenever a special exception shall have been granted by the Commission under these Regulations authorizing a specified use of a parcel of land or improvement thereon, no use shall be made of such land or improvement, no other improvement shall be used, built, or placed upon such land, and no change shall be made in location of any such improvement or in the size or shape of any such parcel of land or improvement except as authorized by such special exception or by an amendment thereto.

G. FILING OF APPROVAL WITH TOWN CLERK. Every Special Exception, including any Memorandum of Decision and plans sets amended to reflect any conditions or modifications of approval, shall be filed with the Town Clerk within one (1) year of approval. For good cause shown, the Zoning Enforcement Officer may extend such time period for up to one (1) additional year. No Zoning Permit shall be issued for any Special Exception until it is filed with the Town Clerk.

H. AMENDMENTS AND MODIFICATIONS TO A SPECIAL EXCEPTION

1. An approved Special Exception may be amended or modified. All requirements of a Special Exception application shall apply unless modified by the Commission provided that the application shall be made in the same manner as the original application and subject to and in accordance with the provisions of these Regulations authorizing the granting of the original Special Exception. Any application for amendment shall include a copy of any and all Memorandum of Decision(s) as recorded in the Town of Essex Land Records. Amendments to the Special Exception found to be of a minor nature as described in Section 115 H.2. and 3. or which do not substantially alter the Special Exception as determined by the Zoning Commission may be approved by the Commission without a public hearing unless the Commission deems that a public hearing is necessary.

2. Substitution of a Special Exception Use: A waiver of Special Exception requirements may be granted where one Special Exception use is being substituted for another similar use, as determined by the Commission, on the same parcel which was previously granted a Special Exception by the Commission and where the Commission finds each of the following is true:

2.1. The new use will require no greater parking or loading than the original use, as set forth in Article VI, Section 602 of these regulations,

2.1.2. The new use shall entail no dimensional exterior changes to the building, site or premise except as may be permitted under Section 115 H.3. below, and

2.1.3. The new use shall have no impact on the site, neighborhood or the Town which is different from the original, such impact to be measured by the standards set forth in Section 115 C. of these Regulations

3. Minor Modification: A waiver of Special Exception requirements, may be granted for minor modifications to the building or site plan development, where the Commission finds that each of the following is true:

3.1. Alterations to the building or site development do not affect the basic size, form, style, ornamentation and appearance of the structures as shown on the approved plans;

3.2. The proposed modification does not reduce the effectiveness of the approved landscaping, screening or buffering of the site;

3.3. The proposed modification does not impact the number of parking spaces or vehicle circulation;

3.4. The proposed modification does not significantly alter the drainage patterns as previously established; and

3.5. Any proposed modification must continue to comply with the original approval action of the Zoning Commission except as those modified and all other applicable requirements.

I. TIME LIMITATIONS

1. COMMENCEMENT AND COMPLETION OF WORK. Work on a Special Exception shall commence in accordance with the time limits for Zoning Permits in Section 114 A.9. All work in connection with an approved Special Exception shall be completed within five (5) years after the approval of the application. The approval of such Special Exception shall state the date on which such five-year period expires. Failure to complete all work within such five-year period shall result in the expiration of the said approval following notice to the permit holder and property owner of record (if different) and an opportunity to be heard; except that the Commission may grant one or more extensions of the time to complete all or part of the work in connection with the Special Exception provided the total extension of extensions shall not exceed ten years from the date such site plan is approved. "Work" for purposes of this subsection means all physical improvements required by the approved plan.

J. MEMORANDUM OF DECISION.

1. The Commission's decision upon each application for a Special Exception may be embodied in a writing which shall be entitled "Memorandum of Decision." Each Memorandum of Decision granting a special exception may:

1.1 Specify the name of the record owner or owners of the premises with respect to which it is granted.

1.2. Describe the premises by metes and bounds or courses and distances, with respect to which it is granted.

1.3. Describe in detail the particular use and improvements authorized, and

1.4. Specify any conditions, other than those prescribed in these Regulations, imposed by the Commission.

2. Each Memorandum of Decision may contain the reasons for the Commission's decision, shall be signed by the Chairman or Secretary of the Commission and shall become a permanent record of the Commission. Upon payment in full of all fees, costs, and charges, a copy of the Memorandum of Decision shall be dispatched, by certified mail, to the applicant or his attorney or agent of record. No Special Exception granted shall become effective until a copy of the Memorandum of Decision and plans shall have been recorded in the Essex Land Records in accordance with the time limits set forth above.

K. REAPPLICATION. A Special Exception shall not be granted hereunder to any applicant if a previous application by for a Special Exception to authorize substantially the same use, *notwithstanding revision changes*, has been denied on its merits after a public hearing within five years prior to the date of submission of the new application.

L. FILING FEE. See Section 107 – Bonds and Filing Fees

M. BONDS. SEE Section 107 – BONDS AND FILING FEES.

Section 116 – Standards for Specific Use and District Permit Applications

A. ACCESSORY APARTMENTS

1. PROCEDURES - SUBMISSION OF APPLICATION- See Article VII, Section 711

B. CONSERVATION DISTRICT

1. IMPROVEMENTS. No building or other improvement of any kind, including the filling or paving of land, the alteration or obstruction of any water course or the change of any surface grades, shall be made, built or placed in a Conservation District

unless authorized in the particular instance for a use permitted in *Article III, Table III-3* by the grant by the Commission of a special exception.

2. CONDITIONS OF SPECIAL EXCEPTIONS. The grant of a special exception authorizing any improvements described in *Section 115 C.* shall be subject to the following conditions:

C. *WATER RESOURCE DISTRICT*

1. *An application for Special Exception within the Water Resource Districts shall include Sections 115 A.1.-2., 115 A.9., 115 B., 115 D.-K and the additional information listed below shall be submitted.*

1.1 A complete list shall be provided of all potentially hazardous materials to be used or stored on the premises in quantities greater than that associated with normal household use; a description of the measures proposed to protect all storage containers or facilities from vandalism, corrosion, and leakage, and to provide for control of spills shall also be submitted.

1.2. A description shall be provided of any potentially hazardous wastes to be generated, including storage and disposal methods, as in *Section 116 C.1.1* above.

1.3. For above ground storage of hazardous materials, other than fuel oil for a residential or commercial structure, evidence shall be submitted of the professional design and the installation of such storage facilities and/or containers.

1.4. For runoff from impervious surfaces greater than 30% of the total lot area, evidence shall be provided that such runoff will be recharged on-site and diverted toward areas covered with vegetation for surface infiltration to the maximum extent possible. Dry wells shall be used only where other methods are not feasible and shall be preceded by oil, grease, and sediment traps to facilitate removal of contaminants.

1.5. For on-site disposal of domestic wastewater, other than from a single family dwelling, with an estimated sewage flow of greater than 1,500 gpd, evidence shall be submitted of professional supervision of design and installation, including an assessment of nitrate or coliform bacteria impact on groundwater quality.

D. *EARTH REMOVAL, FILLING, RE-GRADING AND TRANSPORTATION*

1. *See Article VI, Section 607.*

Section 117 - Certificates of Occupancy/Use (vacant)

Section 118 – Expiration of Permits and Approvals (vacant)

Article II - Zoning Board of Appeals

Section 201 – Definitions and Prohibitions

- A. *Definitions – See Article VIII*
- B. *Prohibitions – See Article III, Section 305*

Section 202 - Establishment

- A. COMPOSITION. In accordance with the provisions of the Zoning Enabling Act, the Zoning Board of Appeals (**Board**) shall consist of five regular members and three alternate members.
- B. RULES. The Board, may adopt rules, not inconsistent with the Zoning Enabling Act or these Regulations, governing the procedure for its meetings, hearings and other official actions as it shall deem necessary or appropriate.
- C. RECORDS. The Board shall maintain its records in accordance with the Connecticut Freedom of Information Act.

Section 203 – Powers and Duties

- A. POWERS AND DUTIES. The Zoning Board of Appeals shall have the following powers and duties
 - 1. APPEALS. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Agent; and
 - 2. APPLICATION FOR VARIANCE. To determine and vary the application of these Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the District in which it is situated, a literal enforcement of such regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.
 - 3. APPROVAL of LOCATION. *To hear proposals for the location of motor vehicle dealers, and/or repairers, a motor vehicle recycler’s yard or motor vehicle recyclers business or automotive gasoline station.*
 - 4. CERTAIN PROCEDURAL PROVISIONS. Whenever an application for the grant of a variance is joined with an appeal from any order, requirement or decision of the Zoning Enforcement Agent, the Board shall first decide the issues presented by such appeal.

4.1. SPECIAL CIRCUMSTANCES. Describe specifically in detail the conditions especially affecting the premises to which the variance relates but which do not affect generally the District in which such premises are situated and which are the result of the application of these Regulations to circumstances beyond the control of the applicant; and

4.2. PARTICULAR VARIATIONS. State the particular respect or respects in which the premises contravene the provisions of these Regulations which are varied in their application.

5. PROCEDURES. Written notice of each hearing and a complete copy of each application, upon any appeal from any order, requirement or decision of the Zoning Enforcement Agent and upon any application for a variance shall be mailed or delivered, at least ten (10) days before such hearing, to the Zoning Enforcement Agent who shall be entitled to appear and be represented by Counsel. Written notice of each decision of the Board shall be mailed or delivered, not later than the date such notice is published in a newspaper pursuant to the Zoning Enabling Act, to the Zoning Enforcement Agent. No variance shall be effective until a copy thereof, certified by the Zoning Board of Appeals, containing a description of the premises to which it relates and specifying the nature of such variance, including the regulation which is varied in its application, and stating the name of the owner of record, is recorded in the Essex Land Records.

Section 204 – Right to Appeal: General (vacant)

Section 205 – Conditions, Safeguards and Stipulations

A. Whenever the Board decides to grant a variance it shall be authorized to attach to the grant of such variance such conditions, safeguards and stipulations as it may deem necessary or appropriate to prevent or diminish any adverse effect of the use or characteristic of land or improvement authorized thereby upon the health, safety and welfare of the community, any undue annoyance or disturbance of the occupants of premises in the general neighborhood of such use or characteristic and any impairment of the suitability, usefulness or value of premises in the general neighborhood of such use or characteristic for the uses permitted in the District thereof under these Regulations and predominantly existing therein.

Section 206 – Termination of Variance

A. Except as provided in *Section 206*, the authorization of a variance shall terminate:

1. ABANDONMENT. If the use or improvement so authorized is abandoned or is intentionally changed to conformity with these Regulations (without regard to such variance); or

2. TERMS OF GRANT. Upon the happening of any event or the expiration of any period of time prescribed by the terms of grant of such variance, provided however, that change of ownership shall not be grounds for termination of a variance

Section 207 – Casualty

A. CASUALTY. The authorization of a variance shall not terminate pursuant to 140J.1. if the pertinent use or characteristic ceases by reason of fire or other casualty, absent abandonment of the variance.

Section 208 – Application Procedure (vacant)

Section 209 – Hearings (vacant)

Section 210 – Automotive Sales, Service, Auto Body Repair, Automotive Service Garage, Gasoline/Automotive Fueling Stations (vacant)

Article III – Districts and Uses

Section 301 – Definitions and Prohibitions

- A. *Definitions – See Article VIII*
- B. *Prohibitions – See Article III, Section 305*

Section 302 - Establishment and Purposes of Districts

A. DISTRICTS. The Town is divided into the following named Districts as drawn on the Zoning Map dated *May 11, 2015* which, with all explanatory matter thereon, shall be considered a part hereof:

1. *Residence Districts: including*

- 1.1 Village Residence District (VR)
- 1.2. Rural Residence District (RU)
- 1.3. Rural Residence – Multi-Family District (RR-MF)
- 1.4. Residential Life Care District (RLC)
- 1.5. Active Adult Community (AAC)
- 1.6. River Road Residential District (RRR)
- 1.7. Essex Village District (EV)

2. *Business, Commercial, Industrial Districts including:*

- 2.1. Business District (BD)
- 2.2 Heritage Gateway District (HGD)
- 2.3. Waterfront Business District (WF)
- 2.4. Commercial District (C)
- 2.5. Limited Industrial District (LI)
- 2.6. Municipal and Industrial Service *District*(MI)
- 2.7. Design Municipal/Industrial District (D-MI)

3. *Other: including*

- 3.1. Conservation District (CONS)

4. *Additional Overlay Districts*

4.1. *In addition to the districts into which the Town is divided under Section 302.A., the following overlay districts have been designated:*

- 4.1.1. *Gateway Conservation District (GWC)*
- 4.1.2. *Coastal Management District (CAM)*
- 4.1.3. *Flood Plain District (FP)*
- 4.1.4. *Water Resource Districts (WR I-II)*
- 4.1.5. *Bokum Center District (BCD)*
- 4.1.6. *Centerbrook District (CD)*
- 4.1.7. *Essex Village District (EVD)*

4.1.8. Ivoryton Village District

_____(IVD)

4.1.9. Rt.9 Gateway District

(RGD)

Said district designations are in addition to and superimposed upon those districts into which said area is divided pursuant to Section 302.A.

Section 303 – Additional Overlay District Regulations

A. GATEWAY CONSERVATION DISTRICT

1. APPLICATION. The standards included in this Section 303 A. will apply to the “Conservation Zone” as defined in Section 25-102(c) of the Connecticut General Statutes as it now exists or may thereafter be amended. No regulated activity hereunder will commence prior to the issuance of a valid permit by the appropriate local authority having jurisdiction, in accordance with these standards, and no such permit will be granted unless the issuing authority finds upon appropriate evidence that the proposed activity is compatible with the preservation of the natural or traditional riverway scene and consistent with the purposes of Chapter 477a of the Connecticut General Statutes as it now exists or may hereafter be amended.

The Commission hereby adopts these standards to prevent deterioration of the natural or traditional riverway scene, provide such standards will not discourage constructive development and uses of such properties within the Conservation Zone which are consistent with the purposes of Chapter 477a of the Connecticut General Statutes.

The applicable provisions of these Regulations regarding casualty losses will govern should any existing or future structure in the Gateway Conservation Zone be damaged or destroyed.

2. USES PERMITTED. Except as prohibited in this Section 303 A., and subject to the limitations and restrictions hereinafter prescribed, the same uses and improvements as are permitted under these Regulations in each of those other districts into which the Town is divided under Section 302 B. shall be permitted in each such district within the Gateway Conservation Zone.

3. EROSION AND SEDIMENTATION CONTROL. No special exception shall be granted under Section 115 authorizing any improvement or any enlargement, extension or expansion of any improvement within the Gateway Conservation Zone unless the Commission shall have found that the plan of development meets the following criteria:

(1) The plan of development shall so integrate the improvements to be made with the topography and soils of the premises as to create the least erosion potential;

- (2) All natural vegetation shall be retained and protected except that which must necessarily be removed to carry out the plan of development;
- (3) The area of land exposed by removal of natural vegetation at any one time during the course of development shall be kept to the minimum necessary to carry out the plan of development;
- (4) When land is exposed during the course of development, such exposure shall be kept to the shortest possible duration;
- (5) Whenever the Commission shall deem it necessary, temporary vegetation and/or mulching shall be used to protect areas exposed during development; Be
- (6) Sediment basin (sic)(debris basins, desilting basins or silt traps) as required by the Commission shall be installed and maintained to remove sediment from runoff waters from land undergoing development;
- (7) Provision satisfactory to the Commission shall be made to accommodate effectively the increased runoff caused by change in soil and surface conditions during and after development; and
- (8) The permanent final vegetation and improvements shall be installed as soon as practical in the course of development.

4. BUILDING HEIGHT. No building or other structure will be constructed in such a manner as to exceed a height of thirty-five (35) feet. However, spires, cupolas, towers, flagpoles, and other similar architectural features occupying not more than ten (10) percent of the building footprint and not designed or used for human occupancy may be constructed, reconstructed, enlarged, extended, moved or structurally altered to a reasonable and necessary height upon such permitting procedure specified by these Regulations, provided that the architectural features will not have a significant visual impact on the River scene.

5. GATEWAY BUFFER AREA. Anything to the contrary in these Regulations notwithstanding, no building or other improvement shall be located within one hundred (100) feet of the Coastal Jurisdiction Line, as defined in the Connecticut General Statutes, of the Connecticut River, or the portion of the Falls River easterly, or downstream, of River Road.

- a. EXCEPTION. A marine facility or any accessory improvement which
 - (1) is not intended for human occupancy and
 - (2) requires direct access to the water as an operational necessity such as piers, docks and boathouses, may be located within such Gateway Buffer Area when specifically authorized in the particular instance by a special exception granted by the Commission subject to the conditions prescribed in or pursuant to Section 115.

6. VEGETATION REQUIREMENTS.

a. REQUIRED RIPARIAN VEGETATION BUFFER. There will be no cutting of vegetation within the Riparian Vegetation Buffer as defined in these Regulations except as provided in this section.

(1) There will be no clear cut openings, and a well distributed stand of trees and other vegetation, including existing ground cover, will be maintained. Existing vegetation less than three (3) feet in height and other ground cover will not be removed except to provide for a footpath or other permitted uses. Pruning of tree branches on the bottom third of trees is permitted. Fields which have reverted primarily to shrubs, trees or other woody vegetation will be regulated under provisions of this section. Cleared openings legally in existence on the effective date of these regulations may be maintained by may not be enlarged.

(2) There will be no timber harvesting within the buffer area except to remove safety hazards. When removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings are to be replanted with native tree species unless existing new tree growth is present. Prior to cutting of diseased or damaged trees, a determination about the conditions of such trees will be made to the town's zoning enforcement officer by a public or consulting forester.

(3) In no event will an opening be cleared for development, including but not limited to surface regarding, storm water drainage structures, construction of retention walls, construction of principal or accessory structures, roadway construction, sewage disposal areas, and lawns and gardens.

(4) A footpath not to exceed five (5) feet in width is permitted provided said footpath and associated clearing is not oriented in a direct downslope manner, a practice which may promote unwanted transport of eroded materials into the Connecticut River.

(5) Stairs or similar structures may be allowed with a permit from the zoning enforcement officer to provide shoreline access in areas of steep slopes or unstable soils, provided that the structure is limited to a maximum of five (5) feet in width and does not extend waterward of the coastal jurisdiction line of the Connecticut River or the upland edge of wetlands, and the applicant demonstrates that no reasonable access alternative exists on the property.

(6) A Riparian Vegetation Buffer will not be required for areas within the Conservation Zone which have been designated as "Developed Areas" in accordance with the "Definitions" section of these Regulations. . In such Developed Areas, property owners are encouraged, where feasible, to maintain a vegetated area of trees and shrubs immediately adjacent to the water to avoid erosion and enhance the scenic quality of the River scene.

b. CUTTING OF TIMBER.

(1) Noncommercial Cutting. A noncommercial cutting plan shall be submitted as part of the supporting documentation filed with a required site plan or as one of the required exhibits to be submitted for land subdivision approval.

(2) Commercial Cutting. Each town shall designate a regulatory authority to issue permits for the commercial cutting of timber and no commercial cutting of timber shall occur in the absence of the issuance of such permit. After submission of a commercial cutting plan to said regulatory authority, a permit shall be granted if it is found to be consistent with the minimum standards set forth in Appendix A of the Standards of the Connecticut River Gateway Commission.

7. BURNING OF UNDERGROWTH. The burning of undergrowth shall be in accordance with those regulations of the Connecticut Department of Energy and Environmental Protection which are in effect from time to time to control and abate air pollution and in accordance with all other applicable provisions of law.

8. REMOVAL OF SOIL AND EARTH MATERIALS. The removal of earth products except:

(1) Removal: The removal of soil and earth materials shall be prohibited except for

(a) valid nonconforming uses in existence as of May 14, 1974;

(b) foundation, trench and related site excavation performed after the issuance of a building permit and in conformance with all plans submitted in support thereof; and

(c) removal in connections with the landscaping and grading of land for a purpose for which a building permit is not required, provided that such removal shall not exceed three hundred (300) cubic yards of material.

(2) Addition: The deposition of soil and earth materials will be prohibited except for

(a) valid non-conforming uses in existence as of May 14, 1974;

(b) foundation, trench and related site excavation or filling performed after the issuance of a building permit and in conformance with all plans submitted in support thereof; and

(c) deposition in connection with the landscaping and grading of land for a purpose for which a building permit is not required, provided that such deposition will not exceed three hundred (300) cubic yards of material.

9. DUMPING AND STORING OF REFUSE. No dumping or storage of refuse shall be permitted other than the temporary dumping or storage of small amounts of such material for brief periods pending final lawful disposition nor shall any new public solid waste disposal facility be established or an existing facility be expanded in area.

10. ADDITIONAL REQUIREMENTS FOR RESIDENTIAL STRUCTURES OVER FOUR THOUSAND (4,000) SQUARE FEET IN TOTAL AREA. To assure that large scale residential structures and significant site modifications located within the Gateway Conservation Zone will not cause deterioration of the natural and traditional River scene, a Special Exception is required for all construction, reconstruction, enlargement, or structural alterations of principal and accessory residential structures which results in one or more buildings or structures having a combined total floor area in excess of four thousand (4,000) square feet of total floor area (all floors) except in accordance with the exceptions below.

a. EXCEPTIONS FROM SPECIAL EXCEPTION REQUIREMENT.

(1). No exceptions to review by Special Exception are permitted for development on parcels fronting the Connecticut River or only one lot removed from the Connecticut River, nor if significant clearing of natural vegetation is proposed.

(2). Site Plan Permit in Lieu of Special Exception: The Commission may allow a Site Plan Permit application instead of a Special Exception review for residential structures over four thousand (4,000) square feet in total floor area under this Section if it can be demonstrated by a View Shed analysis that:

(a) The proposed structure or structures will not be significantly visible from the Connecticut River due to an intervening land mass or existing permanent structure, or

(b) The proposed addition to an existing structure is either substantially hidden from view from the Connecticut River by the existing structure or other structures either on or off-site or the addition does not add significantly to the visual profile of the existing structure even when seen from an angle, or

(c) The structure's distance from the Connecticut River combined with its elevation/lack of elevation below the ridge line causes it to be of insignificant visual impact.

c. EXEMPTION FROM BOTH SITE PLAN AND SPECIAL EXCEPTION REQUIREMENT.

(1). Except as required by Section 10.A above, a Special Exception or site plan review will not be required for residential principal or accessory structures over four thousand (4,000) square feet in total floor area and separated from the Connecticut River by two lots under this Section if it can be demonstrated to the Zoning Enforcement Officer that the following are applicable::

(a) An area topographic map and photographs of the property from the Connecticut River showing there is intervening ground at an elevation at least thirty-five (35) feet above ground elevation of the proposed structure.

(b) A plan view map of the property showing a proposed addition to an existing structure where the existing structure or another structure on the same property block the view of the addition from the Connecticut River .

(c) A plan view map of the property showing a proposed addition to an existing structure or a new structure where the view of the proposed addition or new structure is blocked by a structure or structures located on adjacent properties block the view from the Connecticut River.

(d) Large stands of trees located on an intervening property or properties which will obscure sight of the proposed development from view from the Connecticut River.

c. SUBMISSION. In addition to other town requirements for Special Exception applications, the applicant will provide site plans and building elevations prepared by an architect and/or landscape architect which show information on existing and proposed topography, building design and height measurements, proposed grading including cuts, fills and retaining walls, any required buffer area, proposed landscaping and plans for access to the waterfront, if applicable.

d. REVIEW CRITERIA FOR APPLICATIONS FOR CONSTRUCTION IN THE GATEWAY CONSERVATION ZONE. Any application for special exception, site plan review, or administrative permit, as the case may be, shall be subject to the following standards

(1) Proposed site development is to maintain the essential natural characteristics of the site, such as major landforms, natural vegetative and wildlife communities, hydrologic features, scenic qualities and open space that contributes to a sense of place.

(2) Structures are to be adapted to the existing terrain, rather than altering the earth form to create a platformed development site.

(3) Structures located above the crest of hillsides facing the Connecticut River are to be held back from the crest of the hill to maintain a clear sense of the hillside brow in its natural condition.

(4) Vertical architecture elements are not to be over emphasized in a manner which disrupts the natural silhouette of the hillside. Structures will be designed so that the

slope angle of the roof pitch is generally at or below the angle of the natural hillside or manufactured slope.

(5) Building forms are to be scaled to the particular environmental setting to avoid excessively massive forms that fail to enhance the hillside character. Massing of structural elements such as large roof areas are to be broken up to approximate natural slopes.

(6) Roof lines are to relate to the slope and topography. Rooftop treatment is to be designed to avoid monotony of materials, forms and colors. Dark colored roof treatments, which reduce visual impact of the structure on the landscape, are preferred.

(7) Site design is to preserve the existing natural landscape where possible and include new landscaping which is compatible with existing natural vegetation, the scenic character of the area, and increases visual buffering between the building and the Connecticut River within the Gateway Conservation Zone.

(8) Development is to be located so as to minimize disturbance of sensitive areas. The smallest practical area of land should be exposed at any one time during development, and the length of exposure should be kept to the shortest practical time. Disturbed areas are to be replanted with trees, shrubs and ground cover which are compatible with existing vegetation.

(9) Site grading is to avoid straight and unnatural slope faces. Cut and fill slopes are to have curved configurations to reflect as closely as possible the forms and shapes of surrounding topography. At intersections of manufactured and natural slopes, abrupt angular intersections are to be avoided and contours are to be curved to blend with the natural slope.

e. FINDINGS. A Special Exception, site plan permit approval, or administrative approval, as the case may be, is not to be granted until the Commission or the Zoning Enforcement Officer, as the case may be, has determined that all of the following conditions have been satisfied.

(1) Proposed structures and site work have been designed to fit the hillside rather than altering the hillside to fit the structure and site design.

(2) Disturbance to existing topographic forms is minimized and proposed grading and excavation will not result in soil erosion and silting of lower slopes.

(3) The proposed development retains or enhances the visual character of the site and the area by utilizing proper structural scale and character, varied architectural treatments, and appropriate plant material to buffer the mass of the building from the Connecticut River

(4) The proposed design preserves or enhances significant natural features and maintains or restores the natural and traditional character of the River scene.

B. COASTAL MANAGEMENT DISTRICT. *The Coastal Management District is drawn on the official Essex Zoning Map. The Coastal Management District is created in accordance with the requirements of Connecticut General Statutes, Section 22a-90 to Section 22a-113 as amended. Activities or projects partially or entirely located in this district must meet the additional requirements of these regulations, as well as the requirements of any other district in which the property is located.*

1. COASTAL SITE PLANS. All buildings, uses and structures fully or partially within the coastal boundary as defined by Sections 22a-94 of the Connecticut General Statutes and as further delineated on the Coastal Management Area Map, pursuant to a description (*Schedule "A"*), filed with the memorandum of decision in the Town Clerk's Office, shall be subject to the Coastal Site Plan Review requirements and procedures in Sections 22a-105 through 22a-109 of the Connecticut General Statutes.

2. EXEMPTIONS. Pursuant to Section 22a-109(b) of the Connecticut General Statutes the uses *as shown on Table III-3 as "Ex"* are exempt from coastal site plan review requirements:

3. The forgoing exemptions from coastal site plan review requirements shall also apply to activities which require the following site plans, plans and applications:

3.1. Site plans submitted to the Commission in accordance with Section 22a-109 of the Connecticut General Statutes;

3.2. Applications for a special exception submitted to the Commission in accordance with Section 8-2 of the Connecticut General Statutes and Section *Article I, Section 115* of these regulations;

3.3. Applications for a variance submitted to the Zoning Board of Appeals in accordance with subdivision (3) of Section 8-6 of the Connecticut General Statutes and *Article II* of these regulations;

3.4. A referral of a proposed municipal project to the Planning Commission in accordance with Section 8-24 of the Connecticut General Statutes.

4. CONTENTS OF COASTAL SITE PLAN. *See Article I Section 115.C.*

5. FEE. *See Article I Section 106 Bonding and Filing Fees*

C. FLOOD PLAIN DISTRICT.

1. *The Flood Plain District consists of those portions of the Town of Essex designated as "special flood hazard areas," namely Zone A and Zone A1-A30 which are delineated on a map of the Town of Essex, Connecticut, entitled "Flood Insurance Rate Map Community - Panel Numbers 09007C0269G, 09007C0326G-09007C0329G, 09007C0331G-09007C0334G, 09007C0351G and 09007C0353G-Effective Date August 28,*

2008, or as amended, prepared by the Federal Emergency Management Agency, Federal Insurance Administration, and as such zones may be amended from time to time by such Administration. Said maps are hereby made a part of this regulation and are hereinafter referred to as "Flood Insurance Rate Map," which maps are on file with the Town Clerk and Land Use Department. Said map is based on a document entitled "Flood Insurance Study, Town of Essex, Connecticut," dated January 16, 1980, prepared by the Federal Emergency Management Agency, Federal Insurance Administration, including a "Flood Boundary and Floodway Map," and the "Flood Insurance Rate Map," effective July 16, 1980, which is a part of such document. Any development partially or entirely located in this district must meet the additional requirements of any other district in which the property is located.

3.2. *Contents of a Flood Hazard Permit - See Article VI Section 605*

H. WATER RESOURCE DISTRICTS.

1. The Water Resource Districts is shown on the official Zoning Map of the Town of Essex and more specifically, delineated on a map labeled Water Resource Districts Map, dated May 1, 1985. Activities or projects partially or entirely located in these districts must meet the additional requirements of Sections 104 of these Regulations as well as the requirements of any other district in which the property is located.

2. PURPOSE. The purpose of the Water Resource Districts is to protect public health by preventing contamination of the ground and surface water resources providing water supply for the Town of Essex.

3. ESTABLISHMENT OF DISTRICTS. The Water Resource Districts are herein established as overlay districts. The Water Resource District I includes the cones of depression of public water supply wells and up gradient area. Water Resource District II includes surrounding stratified drift material and surrounding till or bedrock material to the boundary of the watershed for that cone of depression, as determined by applicable U.S.G.S. studies for the Essex Quadrangle and modified by the Commission. Water Resource Districts I and II are outlined on the map entitled "Town of Essex, Water Resource Districts," appended to these Zoning Regulations and on file with the Town Clerk, the Building Inspector, and the Zoning Office.

4. USE REGULATIONS. Within the Water Resource Districts the requirements of the underlying Zoning Districts continue to apply, except that uses are prohibited where indicated by an "NP" in the use schedules set forth in *Table III-3 Permitted Uses - Special Districts* and require a Special Exception where indicated by an "SE," even where underlying Zoning District requirements are more permissive. Where there is no entry in these schedules, the underlying Zoning District controls.

5. APPLYING FOR A SPECIAL EXCEPTION UNDER THIS SECTION.
See Article I Section 115 D.

6. NONCONFORMING USES. Nonconforming uses in the Water Resource Districts shall be regulated as per *Article II* of these Zoning Regulations

I. CONSERVATION DISTRICT

1. IMPROVEMENTS. No building or other improvement of any kind, including the *excavation, filling or paving of land, the alteration or obstruction of any water course or the change of any surface grades,* shall be made, built or placed in a Conservation District unless authorized in the particular instance for a use permitted *on Article III, Table III-3* by the grant by the Commission of a special exception in *conformance with Article I Section 115.*

Section 304 — District Boundaries

A. DISTRICT BOUNDARIES. The following rules shall govern the determination of District Boundaries:

1. STREETS, RAILROAD, WATERCOURSES. If opposite sides of a street, railroad, or watercourse are in different districts, the center line of the street, railroad, or watercourse shall be on the district boundary;

2. PROPERTY LINES. If a district boundary is stated by reference to a property line, the district boundary shall follow such property line as shown on the Town Tax Assessor's Maps at the effective date of such boundary;

3. MEASURED LINES. Unless otherwise indicated, if a district boundary is stated by a measured distance from a street or railroad, such distance shall be measured perpendicularly from that boundary of such street or railroad which is on the same side thereof as the direction in which such distance is to be measured.

B. CONTENT OF DISTRICTS. Districts shall include all wetlands and watercourses as well as all dry ground, and *physical and geographic features* including streets, lying within their boundaries.

Section 305 - General Prohibitions

A. No applications will be accepted, considered or approved and no zoning permits will be issued *during a 12-month Moratorium beginning at the effective date of these Regulations* to permit the establishment of Medical Marijuana Dispensaries and/or Producers, who cultivate, process, distribute, dispense and sell medical marijuana within any zoning district within the Town of Essex. For the purposes of this section Dispensary, Licensed Dispensary, Producer and Licensed Producer are as defined in Public Act #12-55, *or as amended.*

B. PROHIBITED USES. *Anything to the contrary in these regulations notwithstanding,* no building, structure or improvement shall be erected, used, or maintained *and* no lot shall be used or maintained for any use, trade, or business or process which is obnoxious or offensive by reason of gas, odor, dust, smoke, vibration, illumination, or noise, or which constitutes a public hazard whether by fire, explosion, or otherwise, including, but not limited to, bulk propane storage (excluding local propane wholesalers), asphalt plants, tattoo parlors, pawn shops, and check cashing services. *(See also Article VII, Section 715B).*

C. GAMBLING. No land or building, or any portions thereof, shall be used in the

Town of Essex for gambling purposes as a principal or accessory use (including land used for parking or other uses to benefit water based gambling). Where such land or building is used solely for the benefit of charitable or non-profit institutions this section shall not apply. Nothing in this section shall be construed to prohibit the sale of State of Connecticut lottery tickets in the Town of Essex.

1. CASINOS. No gambling casino shall be permitted in any district *or overlay district* in the Town of Essex.

2. No manually or automatically operated gambling devices, video or otherwise, including, but not limited to, slot machines, shall be permitted as a principal or accessory use in any district in the Town of Essex.

D. DRIVE-THROUGH ACCESS. Except for financial institutions, no vehicle drive-through lanes for the purpose of conducting any business shall be permitted in any district *or overlay district* in the Town of Essex.

E. HAZARDOUS WASTE DISPOSAL - Under no circumstances will the deposition of or storage of waste materials from hydraulic fracturing, other petroleum or natural gas extraction operations and/or coal byproducts be permitted.

SECTION 306 – Schedule of Uses and Districts

A. *Permitted Uses – Residential Districts See Table III-1*

B. *Permitted Uses – Business-Commercial-Industrial Districts See Table III-2*

C. *Permitted Uses – Special Districts See Table III-3.* Accessory uses shall be permitted subject to the same level of review as the principal use to which it is accessory.

TABLE III-1

Permitted Uses – Residential Districts

Permitted Uses

General Principal and Special Principal Uses

| | District | | | | | | |
|--|----------|----|-------|-----|-----|-----|----|
| | VR | RU | RR/MF | RLC | AAC | RRR | EV |
| One-family dwellings | P | P | P | P | P | P | P |
| Public Schools | P | | | | | | |
| Churches, Synagogues and other places of public worship | SP | SP | SP | S | | SP | SE |
| Municipal office building to include a police station | P | P | P | P | | | |
| Home based business = Minor | P | P | P | P | P | P | P |
| | | | | | | | |
| Marinas, Yacht Clubs, Private Boat Landings | SP | | | | | P | |
| Private Schools | SE | SE | SE | | | | |
| Clubs, Fraternal organizations, private clubs | | SE | SE | SE | SE | P | |
| Libraries and museums | SE | SE | SE | SE | | | |
| Convalescent Homes | SE | SE | SE | SE | | | |
| Nursing Services | | | | SE | | | |
| Parks and Playgrounds | SE | SE | SE | | | | SE |
| Forests, wildlife sanctuaries, game raising, hunting and other conservation activities | | P | P | | | | |
| Water Supply and treatment facilities | SE | SE | SE | SE | | | |
| Animal Agriculture, per Section 717 | | P | P | P | P | P | |
| | | | | | | | |

| | District | | | | | | |
|---|----------|----|-------|-----|-----|-----|----|
| | VR | RU | RR/MF | RLC | AAA | RRR | EV |
| Cellular Telecommunications Equipment located exclusively on existing water towers | SE | SE | | | | | |
| Family Day Care Home (see definition) | SE | SE | SE | | | SE | |
| Commercial greenhouses, nurseries and similar uses, excluding marijuana, located on a minimum 3 acre lot; structures more than 100 ft from any lot line | | SE | SE | SE | | | |
| A cemetery of a church corporation or cemetery association | SE | SE | | | | | |
| Multiple Family Dwellings and Multi-Family Dwelling Projects | | | SE | | | | |
| A life care facility | | | | SE | | | |
| Business offices and professional offices | SE | | | SE | | | SE |
| An active adult community | | | | SE | SE | | |
| Barber shops, beauty shops, nail salons and similar service establishments; but not to include tattoo parlors or adult personal service businesses. | | | | | | | SE |
| Restaurants and food service shops | | | | | | | SE |
| Grocery and retail stores, pharmacies; but not to include selling of adult entertainment products or pawn shops | | | | | | | SE |
| Artisans, craftspeople, art studios and galleries | | | | | | | SE |

| | District | | | | | | |
|---|----------|------|-----------|-----|-----|------|-----|
| | VR | RU | RR/ MF | RLC | AAC | RRR | EV |
| Custom tailors, watch and jewelry repair, shoe repair and similar service establishments | | | | | | | SE |
| Special Provisions Related to Multiple Buildings and Multiple Uses When allowed by special exception granted by the Commission in Essex Village District above, any one or more Special Principal Uses permitted in this District (EV) may be combined on the same lot with a single one-family dwelling, whether in the same or different buildings thereon, whether or not Article IV, Section 711 otherwise provides | | | | | | | SE |
| Accessory Uses Accessory Dwelling Units | P/SP | P/SP | P/SP | | | P/SP | PSP |
| A flower, and/or fruit stand | P | P | P | P | | | |

- P General Principal Use requiring a Zoning Permit
- SP General Principal Use requiring a Site Plan Approval
- SE Special Principal Use requiring a Special Exception Permit

NOTES Exception: EV District
 All changes/modifications from one existing use to a new similar use shall be by a Zoning Permit issued by the Zoning Enforcement Officer when change/modification is in conformance with Article I, Section 114A.

TABLE III-2

Permitted Uses – Business-Commercial-Industrial Districts

Permitted Uses

General Principal and Special Principal Uses

| | District | | | | | | | | | |
|--|----------|----|----|----|----|----|----|-----------|-----|----|
| | WF | C | BD | LI | | | MI | DES MI | HGD | |
| | | | | b. | c. | d. | | | h. | i. |
| Waterfront and Marine related professional offices, retail, laboratories and contractors | P | | | | | | | | | |
| Waterfront and Marine related equipment supply and service businesses, marine fueling | P | | | | | | | | | |
| Marinas, yacht clubs, maritime museums, boat landings, marine facilities and commercial docks and facilities | SE | | | | | | | | | |
| Water supply facilities | SE | SE | | | | SE | | SE | SP | SE |
| General office uses within existing buildings not to exceed 30% gross floor area for all buildings located on the parcel | SE | | | | | | | | | |
| Existing single-family dwelling | | P | | | | | | | | |
| Conversion of existing residential use to multi-family dwelling. | | | SE | | | | | | SP | SE |
| Home Based Business - Minor | P | P | P | P | P | P | | | P | |

| | District | | | | | | | | | |
|--|----------|-----|-----|----|----|----|----|-----|-----|----|
| | WF | C | BD | LI | | | MI | DES | HGD | |
| | | | | b. | c. | d. | | MI | h. | i. |
| Professional offices and business offices, not including check cashing establishments. Required off-street parking shall be located to the side or rear of the principal building on the lot | | f,g | f,g | P | SP | SE | | P | | SE |
| Grocery, retail stores and pharmacies | | f,g | | | | | | | | |
| Retail sales and related repair services | | f,g | | | | | | | | SE |
| Public, Private Schools | | f,g | | | | | | | | |
| Clubs, fraternal organizations, | | f,g | | | | | | | | |
| Libraries, museums, auditoriums | | f,g | SE | | | | | | | SE |
| Public Health nursing facilities | | f,g | | | | | | | | |
| Multiple dwelling projects for elderly persons pursuant to Sections 8-112a thru 8-119 of the CT General Statutes | | SE | | | | | | | | |
| Professional offices and clinics | | f,g | | | | | | | | |
| Parks and Playgrounds | | SE | SE | | | SE | | SE | SP | SE |
| Cellular Telecommunications Equipment located exclusively on existing water towers | | | | | | | | SE | SP | |
| Family Day Care Home | | SE | SE | | | SE | | SE | SP | SE |

| | District | | | | | | | | | |
|--|----------|-----|----|----|----|----|----|-----------|-----|----|
| | WF | C | BD | LI | | | MI | DES MI | HGD | |
| | | | | b. | c. | d. | | | h. | i. |
| Child day care facility, group day care home, pre-school or similar establishment | | SE | SE | | | | | | SP | SE |
| Movie Theaters, music, dance or dramatic arts theaters and studios to include instruction and rehearsal, Art studios. Not including Adult Entertainment Business | | f,g | SE | | | | | | SP | SE |
| Indoor recreation facility to include billiard parlors, bowling alleys, indoor skating rinks, fitness centers, martial arts, studios and gymnasiums | | g | SE | | | SE | | SE | SP | SE |
| Health Clubs and facilities including swimming fitness, racquet ball, and similar activities | | | SE | | | SE | | SE | SP | SE |
| Funeral Home Establishments | | SE | SE | | | | | | SP | SE |
| Restaurants and food service shops | SE | g | SE | | | | | | SP | SE |
| Food service retail store, bakery and confectionary store | | f,g | | | | | | | | |
| Cleaning, laundry or similar retail service | | f,g | | | | | | | | |
| Art studios and galleries | | f,g | | | | | | | | |
| Artisans, craftspeople: No on-premises sales | | | SE | P | SP | SE | | P | | |

| | District | | | | | | | | | |
|---|----------|-----|----|----|----|----|----------|-----------|-----|----|
| | WF | C | BD | LI | | | MI | DES MI | HGD | |
| | | | | b. | c. | d. | | | h. | i. |
| Barber shop, beauty parlor nail salons and similar service establishments, except for tattoo parlors | | f,g | SE | | | | | | SP | SE |
| Newspaper plant, printing and similar services | | SE | | P | SP | SE | | P | | |
| Radio and television broadcasting studios | | SE | | | | | | | | |
| Automobile service stations | | SE | | | | | | | SP | SE |
| Municipal garages, public parking; automobile trailer, mobile home, boat, and farm equipment dealerships | | SE | | | | | | | | |
| Churches, synagogues and other places of public worship | | SE | SE | | | | | | SP | SE |
| Municipal offices, fire house, fire training facility, police and other emergency service providers | | SE | SE | P | SP | SE | SE | P | SE | SE |
| Municipal public works service area with dog pound, trash recycle facility | | | | P | SP | SE | SE SE | P | | |
| A trash transfer station operated by the Town of Essex, its agents or assigns | | | | | | | SE | | | |
| Earth moving and construction | | | | | | | SE | | | |
| Veterinary Clinic without boarding facilities | | SE | SE | | | | | | SP | SE |

| | District | | | | | | | | | |
|---|----------|---|----|----|----|----|----|-----------|-----|----|
| | WF | C | BD | LI | | | MI | DES MI | HGD | |
| | | | | b. | c. | d. | | | h. | i. |
| Wholesale distributing establishments and storage warehouses, self-storage facilities | | | | P | SP | SE | | P | SP | SE |
| Light manufacturing including (or similar to): | | | | | | | | | | |
| 1. Furniture manufacturing, woodworking and millwork | | | SE | P | SP | SE | | P | SP | SE |
| 2. Manufacture, cleaning, finishing and assembly of precision instruments, small metal parts, small electrical and electronic equipment | | | SE | P | SP | SE | | P | SP | SE |
| 3. Metal fabrication, light and sheet metal, machining of parts handled by hand Extrusion and stamping of small metal products and plastics | | | SE | P | SP | SE | | P | SP | SE |
| 4. Manufacturing, assembly and packaging of household consumer goods | | | SE | P | SP | SE | | P | SP | SE |
| 5. Manufacture and assembly of toys, sporting goods, musical instrumental, non-atomic powered clocks and watches | | | SE | P | SP | SE | | P | SP | SE |
| Research and development laboratories | | | | | | | | | SP | SE |

| | District | | | | | | | | | |
|--|----------|---|----|----|--------|----|----|-----|--------|----|
| | WF | C | BD | LI | | | MI | DES | HGD | |
| | | | | b. | c. | d. | | MI | h. | i. |
| Bio-medical and similar services | | | | P | SP | SE | | P | | |
| Monument and stone cutting | | | | P | SP | SE | | P | | |
| Tool and die making, including incidental casting | | | | P | SP | SE | | P | | |
| Building and/or repair of boats and spars from wood, plastics, fiberglass or metal | SE | | | P | SP | SE | | P | | |
| Earth-moving, landscaping, tree care and tree service, and construction contractors but excluding on-site processing, the storage of construction machinery such as cranes and derelict (unusable) machinery and/or vehicles | | | | P | SP | SE | | P | | |
| Landscaping service contractors and similar service contractors for off-site delivery of related products and materials | | | SE | | | | | | S P | SE |
| Utility service contractors and similar establishments with construction offices | | | SE | P | S P | SE | | | S P | SE |
| Motor vehicle detailing operations. Mechanical washing of vehicles is expressly prohibited | | | | P | S P | SE | | | | |

| | District | | | | | | | | | |
|--|----------|----|----|--------|--------|----|----|-----------|--------|--------|
| | WF | C | BD | LI | | | MI | DES MI | HGD | |
| | | | | b. | c. | d. | | | h. | i. |
| Commercial nurseries, greenhouses and similar agricultural uses, excluding marijuana, located on a minimum 3 acre parcel, structures more than 100 ft from any property line | | | SE | P | S P | SE | | P | S P | SE |
| Animal agriculture | | | SE | P | S P | SE | | P | | |
| On-premise flower, fruit and/or vegetable stand | | | SE | P | S P | SE | | P | S P | SE |
| Commercial kitchen for the preparation and packaging of food for off-premises sales only | | | | P | S P | SE | | P | | |
| Sales, storage and distribution of propane | | | | | | SE | | | | |
| Banquet Facility | | | | | | | | SP | S E | |
| Catering | | | | P | S P | SE | | SP | S E | |
| Brewery Facility | | | | | | | | SP | S E | |
| Communications company such as internet or mobile service providers | | | | | | | | | S P | SE |
| Centers for Tourism to include visitor's center, library, auditorium, historic railroad company, museum, public garden | | | | | | | | | S P | SE |
| Adult entertainment business | NP | NP | NP | N P | N P | NP | P | NP | N P | N P |

| | District | | | | | | | | | |
|---|----------|---|----|----|----|----|----|-----------|-----|----|
| | WF | C | BD | LI | | | MI | DES MI | HGD | |
| | | | | b. | c. | d. | | | h. | i. |
| Inland Marine; See Article VIII Section M.6 | | | | P | SP | SE | | | | |

Accessory Uses

| | | | | | | | | | | |
|---|----|--|----|----|----|----|--|--|----|----|
| Landscaping, tree care and tree service contractors seasonal basis only, April 1 through September 30 inclusive, the sale of recycled forestry products associated with the tree care and tree service use limited to mulch, wood chips and compost materials | | | SE | | | | | | SP | SE |
| Motor vehicle detailing operations to include the sale and installation of electronic automobile accessories or automobile enhancement equipment | | | SE | | | | | | SP | SE |
| One family dwelling of either a guard, caretaker or superintendent and his or her family, which shall comply with Article IV Section 408 B of these regulations. In a Waterfront District a minimum floor space of 1,200 square feet is required for any building containing such uses. | SP | | | SP | SP | SP | | | | |

| | District | | | | | | | | | |
|---|----------|----|----|----|----|----|----|-----------|-----|----|
| | WF | C | BD | LI | | | MI | DES MI | HGD | |
| | | | | b. | c. | d. | | | h. | i. |
| Accessory Apartments not to exceed two (2) | | SE | | | | | | | | |
| One family dwelling existing and used as a residence as of August 1, 2007 | SE | | | | | | | | | |
| Restaurant Accessory to a Special Principal Use | SE | | | | | | | | | |
| Accessory Dwelling Unit | | SP | | | | | | | | |

- P General Principal Use requiring a Zooning Permit Approval
- SP General Principal Use requiring a Site Plan Approval
- SE Special Principal Use requiring a Special Exception Permit Approval
- NP Not Permitted

Adult entertainment business is not permitted as a principal or accessory use in any zone other than the MI District.

Notes: a. All changes/modifications from one existing use to a new similar use shall be by a Zoning Permit issued by the Zoning Enforcement Agent when change/modification is in conformance with Article 1 Section 114 A.

b. Principal uses and buildings in the LI District which do not exceed a total of 3,500 gross square feet of combined outside storage are for new construction on a vacant lot or an increase in any five-year period of 2,500 square feet or 15% whichever is less, for existing buildings and outside storage, and which are in compliance with Article VII, Section 714 (as to Uses) and Article VI, Section 604 (as to buildings) hereof, are permitted when authorized by a zoning permit granted by the Zoning Enforcement Agent pursuant to Article I, Section 114 A of these regulations.

Site Plan Uses: Any General Principal Use permitted in LI District hereof which falls within the following square footages, when specifically authorized by a site plan approval granted by the Commission subject as well as the conditions prescribed in Article I, Section 114 B hereof:

- (A) for new construction on a vacant lot, 3,501 to 7,000 gross square feet of combined building and outside storage area
- (B) for existing buildings and outside storage area, an increase in any year period of more than 2,500 square feet but not more than 5,000 square feet, or more than 15% but not more than 30% whichever is less, in combined building and outside storage.

Special Principal Uses: Any Site Plan use permitted in the LI District which exceeds the maximum square footage allowed for that use

- c. Vacant
- d. Proposed uses not exceeding 1,800 sf in gross floor area permitted by Site Plan Approval
- e. Proposed uses exceeding 1,800 sf in gross floor area permitted by Special Exception Approval
- f. Modifications within an Existing Structure
- g. New Structures and Site Improvements
- h. Excluding Pawn and Adult Entertainment Sale Shops
- i. Special Principal Use up to 5,000 square feet

TABLE III-3

Permitted Uses – Special Districts

DRAFT

| | Cons | GWC | CAM | FP | WR | |
|--|------|-----|-----|----|---------|----------|
| | | a. | b. | | I c. | II c. |
| PERMITTED USES | | | | | | |
| General Principal and Special Principal Uses | | | | | | |
| Parks, playgrounds, forests, wildlife sanctuaries boat landing areas, similar open reservations operated by government units or nonprofit corporations, game raising, hunting, and other conservation activities carry on under private or public ownership | SE | | | | | |
| Farming, without tillage, grazing | SE | | | | | |
| Private boat landing accommodating not more than three pleasure boats and private swimming facilities | SE | | | | | |
| Dumping and Storing of Refuse | | NP | | | | |
| Removal of Soil and Earth Products | | NP | | | | |
| Cutting of Timber | | | | | | |
| Noncommercial | | SP | | | | |
| Commercial | | SP | | | | |
| Gardening, grazing and harvesting of crops | | | Ex | | | |

| PERMITTED USES | Cons | GWC | CAM | FP | WR | |
|--|------|-----|-----|----|---------|----------|
| | | a. | b. | | I c. | II c. |
| <p>Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds</p> <p>Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, driveways, swimming pools, tennis courts, docks, and detached accessory buildings, such as garages and utility</p> | | | Ex | | | |
| <p>Construction of the following new or modifications of the following existing on-premises structures: fences, walls pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer lines, signs, and such other minor structures as will not substantially alter the natural character of coastal resources as defined by Section 22a-93(7) of the Connecticut General Statutes or restrict access along the public beach</p> | | | Ex | | | |

| | | | | | | Cons | GWC | CAM | FP | WR | |
|---|--|--|--|--|--|------|-----|-----|----|---------|----------|
| PERMITTED USES | | | | | | | a. | b. | | I c. | II c. |
| Construction of an individual single family residential structures except in or within one hundred feet of the following coastal resource areas as defined by Section 22a-93(7) of the Connecticut General Statutes: tidal wetlands coastal bluffs and escarpments, beaches and dunes Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish shellfish, wildlife and other coastal land and water resources | | | | | | | | Ex | | | |
| Interior modifications to buildings | | | | | | | | Ex | | | |
| Minor changes in use of a building, structure, or property except those changes occurring on property adjacent to or abutting coastal waters Site plans submitted to the Zoning Commission in accordance- with Section 22a-109 of the Connecticut General Statutes Applications for a special exception submitted to the Zoning Commission in accordance with Section 8-2 of the Connecticut General Statutes and Section 140 of these Regulations A referral of a proposed municipal project to the Planning Commission in accordance with Section 8-24 of the Connecticut General Statutes | | | | | | | | Ex | | | |
| Manufacture, use, storage, or dispersal of hazardous materials as a principal activity | | | | | | | | | | NP | NP |
| Sanitary landfill, junkyard, salvage yard, road salt stockpile, | | | | | | | | | | | |

| | | | | | | Cons | GWC | CAM | FP | WR | | |
|--|--|--|--|--|--|------|-----|-----|----|---------|----------|----|
| PERMITTED USES | | | | | | | | | | I c. | II c. | |
| Sanitary landfill, junkyard, salvage yard, road salt stockpile truck terminal with more than 12 trucks | | | | | | | a. | b. | | | NP | NP |
| Gasoline station, car wash, auto repair or auto body shop | | | | | | | | | | | NP | NP |
| Rendering impervious more than 30% of total lot area, regardless of size | | | | | | | | | | | NP | SE |
| Any use retaining less than 30% of total lot area in a natural vegetative state with more than a minor removal of existing trees and vegetation | | | | | | | | | | | NP | SE |
| Any use, other than a single family dwelling, having an estimated sewage flow greater than 1,500 gpd, regardless of lot size | | | | | | | | | | | SE | SE |
| Accessory Uses | | | | | | | | | | | | |
| Any accessory use or improvement but not including: Signs In addition to any sign permitted under Article VI, Section 603, one business name sign accessory to a general principal use, and only as authorized by the special exception authorizing such use, not exceeding six square feet in area. | | | | | | SE | SE | SE | SE | SE | SE | SE |
| Underground storage of hazardous materials, fuel, oil, or gasoline | | | | | | | | | | | NP | NP |

| | | | | | | Cons | GWC | CAM | FP | WR | |
|---|--|--|--|--|--|------|-----|-----|----|----|----|
| PERMITTED USES | | | | | | | | | | I | II |
| | | | | | | | a. | b. | | c. | c. |
| Hazardous materials storage, above ground, in quantities greater than associated with normal household use, other than fuel oil for a residential or commercial structure | | | | | | | | | | SE | SE |
| Parking area more than 200 spaces | | | | | | | | | | NP | SE |
| Any use generating hazardous wastes in quantities greater than associated with normal household use | | | | | | | | | | SE | SE |

- Notes**
- a. Uses Permitted. Except as prohibited in Article III, Section 303 A.2., and subject to the limitations and restrictions hereinafter prescribed, the same uses and improvements as are permitted under these Regulations in each of those other districts into which the Town is divided under Article III, Section 302 shall be permitted in each such district within the Gateway Conservation District.
 - b. All buildings, uses and structures fully or partially within the coastal boundary as defined by Sections 22a-94 of the Connecticut General Statutes and as further delineated on the Coastal Management Area Map, pursuant to a description, filed with the memorandum of decision in the Town Clerk's Office, shall be subject to the Coastal Site Plan Review requirements and procedures in Section 22a-105 through 22a-109 of the Connecticut General Statutes.
 - c. Within the Water Resource Districts the requirements of the underlying Zoning Districts continue to apply, except that uses are prohibited where indicated by an "N" in the use schedules set forth in Article III, Table III-3 and require a Special Exception where indicated by an "SE" where underlying Zoning District requirements are more permissive. Where there is no entry in these schedules, the underlying Zoning District controls.
- Ex Exempt from site plan review
NP=N Not Permitted
P General Principal Use requiring a Zoning Permit
SP
SE Special Principal Use requiring a Special Exception Permit

Article IV - Height and Area Regulations

Section 401 – Definitions, Prohibitions and Uses

- C. *Definitions – See Article VIII*
- D. *Prohibitions – See Article III, Section 305*
- E. *Uses – See Article III, Table III-1, III-2 and III-3*

Section 402 – Schedule of Dimensional Requirements

- A. *Table IV-1 Schedule of Dimensional Requirements*
- B. *Required Characteristics*
 - 1. *The lot and the building or structure involved in any general or special use in all Districts shall conform to the characteristics within Section 402 A. Table IV-1 Schedule of Dimensional Regulations.*
- C. *ADDITIONAL REQUIRED CHARACTERISTICS*
 - 1. *RESIDENTIAL LIFE CARE DISTRICT (RLC)*
 - 1.1. *The lot and the buildings involved in any general or special use in a Residential Life Care District, other than a Life Care Facility, or an Active Adult Community, shall conform to the characteristics within Section 402 A. Table IV-1 - Schedule of Dimensional Regulations “RLC (1)”. See Article VII, Section 713.*
 - 1.2. *LIFE CARE FACILITY.*
 - 1.2.1. *The parcel of land and buildings or structures involved in a Life Care Facility shall conform to the characteristics within Section 402 A. Table IV-1 - Schedule of Dimensional Regulations “RLC (2)”. See Article VII, Section 712.*
 - 1.2.2. *The facility shall be served by the Connecticut Water Company or its successor.*
 - 1.2.3. *Patients’ sleeping accommodations in the Health Center shall not be more than one for each three dwelling units and shall not be less than one for each seven dwelling units.*
 - 1.3. *ACTIVE ADULT COMMUNITY.*
 - 1.3.1. *The parcel of land and buildings or structures involved in an Active Adult Community shall conform to the characteristics: within Section 402 A. Table-IV-1 - Schedule of Dimensional Regulations “RLC (3)”. See Article VII, Section 705.*

1.3.2 The *Active Adult* community shall be served by the Connecticut Water Company or its successor, or other public water supply entity and by an on-site sewage disposal system.

1.3.3 The units shall have a minimum of one thousand (1,000) square feet and a maximum three thousand (3,000) square feet of residentially occupied space per dwelling unit. There shall be a maximum of three bedrooms per unit.

1.3.4 There shall not be more than five units per acre. The maximum number of units allowed in any Active Adult Community development shall be 100. In addition, a maximum aggregate total of one hundred (100) dwelling units, whether in one or more than one Active Adult Community development, shall be permitted in any Zoning District. Additional dwelling units shall be separated by a minimum of two thousand (2,000) linear feet measured in a horizontal direct line from the nearest point of each parcel of land.

1.3.5 No dwelling unit shall have more than two stories of residentially occupied space excluding garages, parking areas, and storage areas.

1.3.6 All driveways serving the development shall be located at least twenty-five (25) feet from any property line except for a perpendicular crossing connecting to the principal driveway.

1.3.7 The maximum coverage shall be controlled by the requirements *as shown on Table IV-1* of these regulations.

1.3.8 Open space shall be defined and provided as required in Section 5.8 and 6.12 of the Subdivision Regulations of the Town of Essex as amended from time to time or as modified herein. Active Adult Communities proposed with a density of four units per acre shall provide a minimum of twenty (20%) of the land area as open space and a density of five units per acre shall require a minimum of thirty-five (35%) of the land area as open space. If the parcel is part of an approved subdivision the Commission may reduce these open space requirements during the approval process for an Active Adult Community development in consideration of open space dedicated in accordance with the subdivision approval.

2. ACTIVE ADULT COMMUNITY DISTRICT (AAC)

2.1 The lot and the buildings or structures involved in any General Principal Use in an Active Adult Community District, shall conform to the characteristics *within Section 402 A. Table IV-1 - Schedule of Dimensional Regulations "ACC (1)"*.

2.2 The parcel of land and buildings involved in an Active Adult Community shall conform to the characteristics *within Section 402 A. Table IV-1 - Schedule of Dimensional Regulations "ACC (2)"* and further described in Section 402 C.1.3. See Article VII, Section 705.

3. WATER RESOURCE DISTRICTS (WR)

3.1 USE REGULATIONS. Within the Water Resource Districts the requirements of

the underlying Zoning Districts continue to apply, except that uses are prohibited where indicated by an “N” in the use schedules set forth in *Table III-3, Section 306*. and require a Special Exception where indicated by an “SE,” even where underlying Zoning District requirements are more permissive. Where there is no entry in these schedules, the underlying Zoning District controls.

| | | |
|---|-----|------|
| 3.2. <u>OTHER REQUIREMENTS</u> | WRI | WRII |
| 3.2.1. Rendering impervious more than 30% Of the total lot, regardless of size | N | SE |
| 3.2.2. Any use retaining less than 30% Of total lot area in a natural vegetative State with no more than a minor removal Of existing trees and vegetation on the remaining 70% of the lot | N | SE |
| 3.2.3. Any use, having an estimated sewage Flow greater than 1,500 gpd, regardless of lot size | N | SE |

4. *SINGLE FAMILY RESIDENTIAL CLUSTER DEVELOPMENT*

4.1. *SINGLE FAMILY RESIDENTIAL CLUSTER DEVELOPMENT* Lots and structures contained within a single family residential cluster development subdivision, as defined by Section 8-18 of the Connecticut General Statutes (which type of development is entitled Open Space Preservation Subdivision in the Essex Subdivision Regulations), shall not be subject to the required characteristics for the zoning district in which the property is located. Rather, the lot and buildings shall be subject to the characteristics within *Section 402 A. Table IV-1 - Schedule of Dimensional Regulations “OTHER-Single Family Cluster”*. See *Article VII, Section 706*.

4.2. Each lot shall contain a contiguous building site of at least forty-two (42%) of the minimum lot area, which is considered buildable land, as defined in these Regulations.

4.3. Perimeter Buffer Between Cluster Development Subdivision Boundary Line and Boundary Line of Any Lot Therein - 75 ft.

4.4. IT IS NOT THE INTENT OF THIS REGULATION TO INCREASE THE DENSITY OF LAND DEVELOPMENT IN ESSEX. THE NUMBER OF LOTS IN A CLUSTER DEVELOPMENT SUBDIVISION SHALL NOT EXCEED THE NUMBER OF LOTS WHICH COULD REASONABLY BE CREATED IN A STANDARD SUBDIVISION LAYOUT.

4.5. This section shall apply only to property located within the Rural Residential District.

Section 403 – Number of Residential Structures Per Lot

A. See *Article IV, Section 407A.2*

Section 404 – Height Limitation of Structures, Fences and Walls

A. See *ARTICLE VIII B.10. BUILDING* . . .Fences and freestanding walls shall not exceed eight (8) feet in height.

B. See *ARTICLE VIII S.33. STRUCTURE*. Anything constructed or which is located on, above or beneath the ground, except driveways, sidewalks, parking areas, curbing and fences which are less than eight (8) feet high, including anything located on, above or beneath the water which is not primarily utilized or intended for navigation.

C. ALSO SEE *ARTICLE VIII S.14 & 15*.

Section 405 - Exceptions to Height Regulations

A. HEIGHT LIMITATION.

1. No building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered in such a manner as to contain more than two (2) stories and an attic above existing natural grade prior to site grading. However, spires, cupolas, towers, flagpoles, tanks and other similar structural features occupying no more than ten percent of the building area and not designed for human occupancy may be constructed, reconstructed, enlarged, extended, moved or structurally altered to a reasonable and necessary height upon the granting of a special permit therefor by the Commission.

2. ALSO SEE *ARTICLE VIII B.13*.

Section 406 - Building Separation - (vacant)

Section 407 - Lots and Lot Area

A. LOTS. Except as provided in *Section 407 A.1.*, no lot shall have an area or width or yard which is less in size than that required by these regulations. The area of every lot shall be such that no building or buildings thereon shall occupy, in the aggregate, a greater percentage of the Lot Area than that prescribed by these regulations.

1. PREEXISTING SUBSTANDARD PARCELS (SEE ARTICLE V). A parcel of land which has an area (determined in conformity with the rules prescribed in *Section 407 A.7*. for determining Lot Area) of not less than 1/3 of the Lot Area otherwise prescribed therefore in these regulations and a width of not less than 1/3 of the Lot Width otherwise prescribed therefore in these regulations or fifty (50) feet, whichever is greater, shall not be required to conform to the Lot Area or Lot Width requirements of these regulations if such parcel of land, at the effective date of these regulations, abutted, and has continuously thereafter abutted, no other land simultaneously under the same ownership as such parcel of land. However, nothing in this section shall be construed to authorize the construction or use of a multifamily dwelling upon a parcel of land, which does not conform to the Minimum Lot Area Per Family Dwelling Unit prescribed therefore on *Table IV-1* of these regulations.

2. MULTIPLE BUILDINGS. No building used for a single principal use shall be built, placed, or used on any parcel unless the required lot area is provided therefore,

except that, in determining lot area required, all buildings, when under common ownership on contiguous premises, which are used exclusively for a single institutional or commercial use, shall be considered as a single building, and all buildings in a multiple dwelling project shall be considered as a single building.

3. MULTIPLE USES. In residential districts, there shall be no more than one (1) principal building on each lot. In non-residential districts, no building intended or used for two or more principal uses shall be built, placed, or used on any land unless the required Lot Area is provided for each such principal use, except that, in determining required Lot Area, two or more principal commercial uses within a single building used solely for such commercial uses, or two or more principal industrial uses within a single building used solely for such industrial uses, shall be considered a single use, and the individual dwelling units in a multiple dwelling shall be considered as a single principal use.

4. REQUIRED FRONTAGE AND ACCESS. No building shall be used, built, or placed on any lot unless such lot has frontage of not less than twenty-five (25) feet on a street or, in the case of a rear lot, a permanent easement of not less than twenty-five (25) feet in width for access to and from a street.

5. LOT AREA. The following rules shall govern the determination of lot area:

5.1 GENERAL. No land shall be included in computing the required lot area of more than one lot;

5.2. ROADWAYS. No roadway or part of any roadway other than a driveway shall be included in computing required lot area;

5.3. WATER. Not more than ten (10) percent of the required lot area may be represented by wetlands and/or watercourses.

5.4 *Except as otherwise prescribed in the Gateway District., setbacks shall be open and unobstructed to the sky, except for the ordinary projection, not to exceed two (2) feet, of window sills, belt courses, cornices, eaves, chimneys, and other architectural features of the building for which setbacks are required and except for trees and shrubs.*

6. MAXIMUM LOT COVERAGE. The maximum impervious coverage, shall not exceed 65% of the lot area. The remaining thirty-five (35%) shall be landscaped or left in a natural state. See Table IV-1 and special provisions in the WR Districts.

7. YARDS. No lot line shall be changed, nor any building or structure erected or altered, which would violate the minimum yard requirements of these Regulations or increase the nonconformity of any legal nonconforming yard.

Section 408 – Livable Floor Areas

A. ACCESSORY DWELLING UNITS

1. Refer to Article VII, Section 711

B. ACCESSORY APARTMENTS

1. FLOOR AREA. An accessory apartment shall have a minimum gross floor area of four hundred (400) square feet. The maximum floor area of the accessory apartment shall not exceed eight hundred fifty (850) square feet, or thirty (30%) of the total combined assessed living area of the principal building and the accessory apartment, whichever is less. No portion of the living area of any accessory dwelling unit shall be located in a below ground basement area, attic, vehicle bay area of a garage or third floor storage space of any principal building.

C. RESIDENTIAL LIFE CARE DISTRICT

1. See Section 411 Table IV-1, note g.
2. For an Active Adult Community- See Section 407 E.3.

D. WATERFRONT BUSINESS DISTRICT

1. See Table III-2, Accessory Uses

E. See also ARTICLE VIII Abbreviations G.2.

Section 409- Visibility

A. CORNER VISIBILITY. On a corner lot no wall, fence or other improvement shall be erected, and no hedge, shrub, tree or other growth shall be maintained, between the building line and the street line, so as to create a traffic hazard by obstructing the view.

B. DRIVEWAY INGRESS/EGRESS VISIBILITY. At a driveway entrance no wall, fence or other improvement shall be erected, and no hedge, shrub, tree or other growth shall be allowed, between the building line and the street line, so as to create a traffic hazard by obstructing the view.

C. SIGHTLINE VISIBILITY. Sightline demonstration and/or Stopping Sight distance exhibit drawings may be required to demonstrate sightline visibility. Demonstration drawings to be provided shall use criteria established by the Ct. DOT. Refer to Article I- Section 113 - Referrals and Reviews

Section 410 – Rear Lot

A. See ARTICLE VIII. Abbreviations L.12. LOT, REAR.

B. REAR LOTS. Anything in these Regulations to the contrary notwithstanding, for the purpose of determining the required setbacks for a rear lot, all lot lines shall be considered side lot lines. See Appendix C, Figure C-1 Lot Line Diagram

Section 411 – Schedule of Dimensional Regulations

Table IV-1 Schedule of Dimensional Regulations

| | | Table IV - 1 | | | | | | Town of Essex Zoning | | |
|--------------------------|------------------------|---|------------------|--------|------------|--------------|---------------------------------|----------------------|---------|----|
| | | SCHEDULE OF DIMENSIONAL REQUIREMENTS | | | | | | | | |
| DISTRICT | Minimum Lot Size | | Min. Front Width | Max. | | Max. Bldg Ht | Min. Yard Setbacks - m., o., p. | | | |
| | Total Parcel Area - sf | Per Family D. U. Area - sf | | Bldg % | Total n. % | | Front Ft | Side Ft | Rear Ft | |
| | VR | 60,000 | 60,000 | a., b. | 120 | 10 | 65 | 35 | 30 | 25 |
| RU | 80,000 | 80,000 | c. | 150 | 15 | 65 | 35 | 40 | 30 | 30 |
| RR-MF | 80,000 | 80,000 | c. | 150 | 15 | 65 | 35 | 40 | 30 | 30 |
| | | | d. | | | | | | | |
| RLC(1) | 40,000 | 40,000 | e. | 150 | 10 | 65 | 35 | 40 | 30 | 30 |
| RLC(2) | . | . | . | 50 | 15 | 65 | 35 | 50 - h. | 50 | 50 |
| RLC(3) | i. 435,600 | . | . | | 15 | 65 | 35 | 40 | 30 | 30 |
| AAC(1) | j. 80,000 | 80,000 | . | 150 | 7.5 | 65 | 35 | 40 | 30 | 30 |
| AAC(2) | i. 435,600 | | . | | 15 | 65 | 35 | 40 | 30 | 30 |
| RRR | 130,000 | 130,000 | . | 150 | 10 | 65 | 35 | 40 | 30 | 30 |
| EV | 15,000 | | . | 60 | 25 | 65 | 35 | 0 | 5 | 5 |
| WF | 30,000 | 30,000 | . | 100 | 25 | 65 | 35 | 40 | 20 | 30 |
| C | 30,000 | 30,000 | C | 150 | 15 | 65 | 35 | 30 | 15 | 30 |
| HG | | | . | | 20 | 65 | 35 | 30 | 30 | 30 |
| BD | 30,000 | | . | 150 | 15 | 65 | 35 | 50 | 15 | 30 |
| LI | q. 80,000 | | . | 200 | 25 | 65 | 35 | 75 | 25 | 50 |
| MI | 80,000 | | . | 200 | 25 | 65 | 35 | 30 | 25 | 50 |
| D-MI | 80,000 | | . | 200 | 25 | 65 | 35 | 75 | 25 | 50 |
| WR | | | . | | | | i. | | | |
| OTHER | | | | | | | | | | |
| Single Family Cluster | 435,600 | 50 % of District | . | 125 | 25 | 65 | 35 | 25 | 15 | 30 |
| Accessory Bldgs | k. | | . | | | | 15 | | 5 | 5 |
| Accessory Bldgs | r. | | . | | | | | | 5 | 5 |
| Swimming Pools | | | . | | | | | 20 | 20 | 20 |
| Patios | | | . | | | | | 10 | 10 | 10 |
| Private/Common Driveways | | | . | | | | | | 5 | 5 |

- Notes:**
- a. Each lot shall contain a contiguous building site of at least 25,000 sf of buildable land
 - b. None of the required characteristics of this District, other than Max. Bldg. Ht. shall apply in the case of a public or private library
 - c. Each lot shall contain a contiguous building site of at least 34,000 sf of buildable land
 - d. Does not include Life Care Facility or an Active Adult Community
 - e. Life Care Facility only
 - f. Min. Parcel Size is 90 Acres,
 - g. Min. Lot Area shall be 17,000 sf per family dwelling unit plus 2,000 sf for each patient's sleeping accommodation in the Health Center
 - h. Except 200 ft from Bokum Rd and 30 ft from abutting railroad ROW
 - i. Active Adult Community Only
 - j. General Principal Uses Only
 - k. Not higher the 15 ft., No greater than 20% coverage in rear setback
 - l. See Sect 40.2 P.
 - m. All Rear Lot setbacks to be considered side lot lines
 - n. Remaining 35% to be landscaped or left in natural state
 - o. Accessory bldgs-Detached accessory bldgs (except as provided for in the Gateway District) no more than 15 ft in height and not used for the housing of humans, animals may be located in the rear setback of the bldg. to which they are accessory, but not less than 5 ft from any lot line and not occupy in aggregate more than 20 percent of the area of said rear setback
 - p. No swimming pool or artificial pond shall be located closer than 20 ft to any boundary of the lot to the use of which it is accessory.
 - q. No setback which is defined by a lot line which abuts a railroad right-of-way shall be required for any lot in a Limited Industrial District
 - r. Sheds 200 sq. feet or less and when behind the front façade of a principal dwelling.

Article V - Nonconforming Uses, Structures, and Lots

Section 501 – Definitions and Prohibitions

F. DEFINITIONS – See Article VIII

G. PROHIBITIONS – See Article III, Section 301

Section 502 – Nonconforming Uses

A. NONCONFORMING USES AND IMPROVEMENTS. Except as otherwise expressly provided in these Regulations, a nonconforming use of any land or improvement or a nonconforming characteristic of any land or improvement, which has not been changed to conformity, or greater conformity, with these Regulations or otherwise terminated, may remain and be continued and shall not be required to conform to those provisions of these Regulations with which it does not conform.

B. CHANGE TO CONFORMITY. A nonconforming use of any land or improvement and a nonconforming characteristic of any land or improvement may be changed if the new or resulting use or characteristic conforms, or more nearly conforms, to these Regulations, but once changed, such use shall not be then changed (to or back to the any previous nonconforming use.

C. CHANGE TO NONCONFORMITY.

1. A nonconforming use of any land or improvement may not be changed to a different nonconforming use.

2. A nonconforming characteristic of any land or improvement may not be changed to a different nonconforming characteristic with regard to acreage, frontage, location, setbacks, height or building coverage nor increased in numerical magnitude.

D. USES AND IMPROVEMENTS PERMITTED BY SPECIAL EXCEPTION. Any use of land or improvement and any improvement of a characteristic of land or improvement, which is permitted only when authorized by the grant of a special exception hereunder but which was legally and actually existing at the effective date of these Regulations, or any pertinent amendment thereto, shall be deemed to be nonconforming unless and until a special exception is granted for such use in accordance with Section 115 of these Regulations.

E. No use of any land or improvements having a nonconforming characteristic, and no improvements having a nonconforming characteristic, shall be enlarged, or extended except in conformity with these Regulations. Completing the enclosure of a previously roofed porch, without changing its size or shape, shall be considered an extension or expansion of a nonconforming use.

Section 503 – Nonconforming Buildings and Structures

A. EXTENSION OR ENLARGEMENT.

- 1. Where an existing building or structure is nonconforming with respect to a setback or setbacks an increase in the height of that portion of the building or structure which does not conform with the required setback shall constitute an impermissible enlargement, extension or expansion of a nonconforming characteristic. *Except as otherwise prescribed in the Gateway District., setbacks shall be open and unobstructed to the sky, except for the ordinary projection, not to exceed two (2) feet, of window sills, beltcourses, cornices, eaves, chimneys, awnings, and other architectural features of the building for which setbacks are required and except for trees and shrubs.*
- 2. No nonconforming building or structure or other improvement shall be enlarged or extended.
- 3. Completing the enclosure of a previously roofed porch, without changing its size or shape, shall not be considered an extension or expansion of a nonconforming building.

Section 504 – Nonconforming Lots

A. SUBDIVISION OF LOTS WITH NONCONFORMING IMPROVEMENTS. Whenever any land, upon which is located one or more nonconforming improvements, is subdivided for sale or rental, or lot lines of any such land are otherwise defined or altered, the characteristics of all parcels resulting therefrom shall conform to these Regulations:

Section 505 – Nonconforming Off-Street Parking (vacant)

Section 506 – Termination, Cessation or Abandonment (vacant)

Section 507 – Casualty: See Article II, Section 206 (vacant)

Section 508 – Accessory Uses

A. ACCESSORY USES. The provisions of this Section 508 shall not be construed to permit, and there shall not be permitted, accessory to a nonconforming use or improvement any of the following, unless existing on the effective date of these Regulations:

- 1. SIGNS. Any sign;
- 2. VEHICLES. The parking or storage of any motor vehicles;
- 3. BUILDING. The construction or use of any building or structure for residence purposes; or
- 4. WASTE MATERIAL. The use of any land for the storage or keeping of any

material described in Article VII, Section 709.

A. PREEXISTING SUBSTANDARD PARCELS. A parcel of land which has an area (determined in conformity with the rules prescribed in Section 407 A.5. for determining Lot Area) of not less than 1/3 of the Lot Area otherwise prescribed therefore in these regulations and a width of not less than 1/3 of the Lot Width otherwise prescribed therefore in these regulations or fifty (50) feet, whichever is greater, shall not be required to conform to the Lot Area or Lot Width requirements of these regulations if such parcel of land, at the effective date of these regulations, abutted, and has continuously thereafter abutted, no other land simultaneously under the same ownership as such parcel of land. However, nothing in this section shall be construed to authorize the construction or use of a multifamily dwelling upon a parcel of land, which does not conform to the Minimum Lot Area Per Family Dwelling Unit prescribed therefore on Table IV-1 of these regulations.

Article VI - Town-Wide Requirements

Section 601 – Definitions and Prohibitions

H. *Definitions – See Article VIII*

I. *Prohibitions – See Article III, Section 301*

Section 602 – Parking and Loading

A. GENERAL. To serve every use of land or improvement thereon, there shall be provided permanent and conveniently available spaces for off-street parking of motor vehicles and areas affording uncongested and safe access between such spaces and a street. To serve hospitals, institutions, hotels, retail, wholesale and industrial buildings, there also shall be provided permanent and conveniently available space for loading and unloading of trucks and areas affording uncongested and safe access between such spaces and a street. No use of any land or improvement thereon shall be commenced until required off-street parking and truck-loading space has been completed in accordance with this section.

B. ACCESS AND PARKING. No use of any land or improvement thereon shall be commenced until the required off-street parking and truck loading facilities have been provided and completed in accordance with this Section 602 and Table VI-1. The increase of any factor with reference to which off-street parking or truck loading spaces are prescribed in this Section 602, without providing the number of spaces, with access areas, of the size and nature prescribed therefore in Section 602 and Table VI-1 is prohibited. No land shall be used for access to, or parking in connection with, a use which is not permitted in the district in which such land is located, except that land in a Commercial District may be used for access to a permitted use in an Industrial District and land in any district may be used for access to a use in a Residence District

C. LOCATION. Such parking or loading facilities shall be located on the same premises as the use which they serve, except that the Commission may, by grant of a special exception, approve their location elsewhere, subject to the conditions prescribed in or pursuant to Article I, Section 115 C. On any premises, parking facilities, including access driveways, shall be not less than six feet from the front lot line or less than five (5) feet from any side or rear lot line.

D. DRIVEWAY LOCATION AND GRADE. The lateral paved or surfaced portion of any driveway, common driveway or other private roadway shall not be located closer than five (5) feet to any side or rear lot line. Driveway grades shall not exceed twelve (12) per cent.

E. NATURE OF PARKING AND LOADING AREAS. Parking or loading facilities may be enclosed within a building or may be open. All spaces for parking, loading and access, except in single family residence lots, shall be graded, surfaced, drained and adequately lighted and suitably maintained in the manner and to the extent necessary to avoid dust, erosion, and excessive discharge of collected surface water onto streets or adjacent property. See Article VI, Section 608. The spaces and access areas shall

be so arranged as to afford clearly safe and convenient maneuvering room, entrances and exits in light of the expected volume and frequency of parking, loading and unloading. The access driveways shall be so connected to a street as to avoid unsafe driving conditions and traffic congestion.

F. OPERATION AND MAINTENANCE. Such parking or loading facilities shall remain in existence so long as the use which they serve exists and shall at all times be exclusively reserved for, and available to, the persons occupying or visiting the land or improvement, the use of whom such facilities are provided to serve.

G. MULTIPLE USES: JOINT FACILITIES. A single parking facility may serve more than one use provided that the aggregate number of spaces shall be the sum of those required for each use. Whether or not *Article IV*, Sections 407 A. 2-3. may apply, if more than one permitted individual principal use is proposed to occupy any portion of the gross floor area of any existing or proposed building, an accurate account of the gross floor area to be occupied by each proposed use or proposed uses within such space shall be provided. Where two or more different principal or accessory uses are located on the same premises the parking requirements for the different uses shall be computed separately and cumulatively. The following are typical but not exclusive examples of multiple uses: a bowling alley with a restaurant; a marina with recreational facilities.

In addition, the location and calculations of all parking spaces prescribed for each such proposed use shall be provided. Nothing in this Section shall be construed to prohibit the providing of more than the minimum amount of parking for each such proposed use or proposed uses where the applicant can demonstrate the need for such additional parking, and where low impact development measures are employed. See *Article VII*, Section --. The Commission may require that such additional parking spaces be held as reserve parking spaces in accordance with Section J below.

H. PARKING SPACES REQUIRED. Parking facilities serving the uses set forth in Table VI-I shall afford parking spaces specified for each such use in Table VI-I.

1. These parking standards are minimum requirements. The Commission may require additional parking spaces where the nature of development, its location, or other unique features require such additional parking. In determining the appropriate parking standards to be applied to a specific use, the decision of the Commission shall be final.

2. Where the number of car spaces is based on square footage of building area, the building area shall be computed as the gross floor area in the building.

3. Where the number of car spaces is determined by the number of employees, that number shall be periodically determined by the maximum number working on the premises at any one time. The number of employees reported on the most recent quarterly report to the State Labor Department shall be considered prima facie evidence of the number of employees under this Section.

4. Where computation of required parking spaces results in a fraction of a car space the required number of spaces shall be increased to the next whole number of

spaces.

Where a unit of gross floor area is used to calculate parking, any fraction of that unit will be rounded up to the next whole unit.

5. Handicapped Parking Spaces: Handicapped parking spaces shall be provided for in accordance with the provisions of CGS 19-395, Section 315.0 as contained in the Basic Building Code of the State of Connecticut. For the purposes of this section, required handicapped spaces shall be considered a part of the parking spaces required under Section 602 of these regulations and not in addition thereto. Location and arrangement of handicapped parking spaces and building approaches shall be in accordance with CGS 19-385, Section 315.4 (Parking Lots and Building Approaches).

TABLE VI-I
MINIMUM PARKING SPACE REQUIREMENTS BY USE

A. RESIDENTIAL USES

1. ACCESSORY APARTMENT. One car space for a unit under 650 square feet. Two (2) car spaces for a unit above six hundred fifty (650) square feet.
2. ONE AND TWO FAMILY DWELLINGS. Two (2) car spaces per family dwelling unit.
3. MULTIPLE DWELLINGS. One and one-half car spaces per family dwelling unit.
4. HOME BASED BUSINESS. One car space plus one (1) car space for each employee over and above the occupant(s) of the dwelling.
5. ACTIVE ADULT COMMUNITY. Two (2) car spaces per dwelling unit.
6. RESIDENTIAL LIFE COMMUNITY. One (1) car space for each employee and/or staff member. One (1) car space for each dwelling unit. One-half space for each patient space (bed) in a health center.

B. OTHER USES

1. ANIMAL HOSPITALS, KENNEL. Two (2) car spaces per doctor plus two (2) car spaces per employee.
2. ARTISAN, CRAFTSPERSON. Two car spaces plus one (1) car space per four hundred (400) square feet of gross floor area, plus one (1) car space per each 1,000 square feet of gross floor area.
3. AUTOMOBILE SERVICE STATIONS. One (1) car space per employee plus four (4) car spaces per bay.
- 4.
5. BREWERY ESTABLISHMENT. One car space plus one car space per employee plus one (1) truck loading space per 20,000 square feet of gross floor area.
6. BUSINESS AND PROFESSIONAL OFFICE. Two (2) car spaces plus one (1) car space per 400 square feet of gross floor area plus one (1) car space per each 1,000 square foot of gross floor area.
7. BAKERY, CONFECTIONER. Two (2) car spaces plus one (1) car space per 400 square feet of public floor area
8. BANKS AND LENDING INSTITUTIONS. Two (2) car spaces plus one (1) car space per 400 square feet of gross floor area plus one (1) car space per each 1,000 square foot of gross floor area.

9. BUSINESS, SECRETARIAL OR VOCATIONAL SCHOOL OVER GRADE TWELVE (12). One (1) car space per employee plus one (1) car space per each two (2) legal occupants (per Fire Safety Code, State of Connecticut).
10. CENTERS FOR TOURISM TO INCLUDE A VISITOR'S CENTER, LIBRARY, AUDITORIUM, HISTORIC RAILROAD COMPANY, MUSEUM OR PUBLIC GARDEN. Eight (8) car spaces plus one (1) car space per 800 square feet of gross floor area;
11. CHILD DAY CARE CENTER. One car space per four (4) children at maximum capacity.
12. COMMERCIAL GREENHOUSE, NURSERY, OR GARDEN CENTER. Two car spaces plus one (1) car space per 100 square feet of gross floor area or outdoor display area, plus one (1) car space per each 1,000 square feet of gross floor area or fraction thereof, plus one (1) truck loading space for each 20,000 square feet of gross floor area , except that square footage of greenhouses and/or hoopouses not open to the public shall not be included for purposes of determining gross floor area of farm stand buildings for the calculation of parking.
13. COMMERCIAL KITCHEN. One (1) car space per employee plus one truck loading space for each 20,000 square feet of building area or fraction thereof.
14. CONVALESCENT HOMES, REST HOMES, NURSING HOMES, EXTENDED CARE FACILITIES. One (1) car space per employee or staff member plus one (1) car space per four (4) patient beds.
15. DOG GROOMING FACILITY. Two (2) car spaces per employee.
16. EMERGENCY MEDICAL FACILITY. Four (4) car spaces/1000 square feet of floor area.
17. FAMILY DAY CARE HOME. Two (2) car spaces per the single family dwelling plus two (2) additional car spaces.
18. FAMILY DAY CARE FACILITY. One (1) car space per employee plus four (4) additional car spaces.
19. FARM STAND. Two (2) car spaces plus one car space per 100 square feet of gross floor area, plus one (1) car space per each 1,000 square feet of gross floor area, plus one (1) truck loading space for each 20,000 square feet of gross floor area , except that square footage of greenhouses and/or hoopouses shall not be included for purposes of determining gross floor area of farm stand buildings
20. GROCERY STORE. One (1) car space per 150 square feet of gross floor area, plus one (1) car space per employee, plus one (1) truck loading space per 20,000 square feet of gross floor area.

21. FOOD SERVICE SHOP. Two (2) car spaces plus one car space per 400 square feet of public floor area, plus one (1) car space per three (3) customer table seats, plus one (1) car space per 1-1/2 counter or bar seats.
22. FUNERAL HOME. Thirty (30) car spaces.
23. INDOOR RECREATIONAL FACILITY – MINOR or MAJOR. One (1) car space per each three (3) legal occupants.
24. INLAND MARINE. One (1) car space per employee.
25. INTERNET, RADIO AND TELEVISION BROADCASTING FACILITY. One (1) car space per employee plus (--) spaces.
26. LIGHT INDUSTRY/ MANUFACTURING FACILITY. One (1) car space per employee plus one (1) truck loading space for each 20,000 square feet of building area or fraction thereof.
27. LOTTERY AGENT. Notwithstanding the general provisions and requirements of Section 602 of these Regulations, any use having the service of selling lottery tickets for the State of Connecticut shall provide an additional number of two (2) car spaces for each lottery ticket dispensing machine located on the premises of such use.
28. MARINAS, BOAT YARDS. One (1) car space per employee plus one and one half spaces per slip.
29. MEDICAL AND DENTAL OFFICE. Four (4) car spaces/1000 square feet of gross floor area.
30. MEETING HALLS, THEATRE FOR DRAMATIC ARTS, DANCE, MUSIC. One (1) car space per each fixed seat or one (1) car space per person for the maximum persons allowed as established by the Fire Marshal in accordance with the Fire Prevention Code.
31. PHARMACY. Three (3) car spaces, plus one (1) car space per 200 square feet of gross floor area.
32. PERSONAL SERVICE ESTABLISHMENT. Two (2) car spaces per employee.
33. PLACE OF WORSHIP. One (1) car space for each four (4) seats in principal worship area.
34. POLICE STATION, FIRE HOUSE, AMBULANCE STATION. One (1) space per emergency vehicle plus one (1) space per employee.
35. POST OFFICE. One (1) car space per employee plus one (1) car space per 600 square feet of gross floor area plus two (2) truck loading spaces.

36. ART GALLERIES, ART STUDIO. Eight (8) car spaces plus one (1) car space per 800 square feet of gross floor area; however, in the case of an Auction Establishment or Gallery one (1) car space per two (2) customer seats.
37. PUBLIC or PRIVATE SCHOOL UNDER GRADE TWELVE (12). One (1) car space per employee plus one (1) car space per each ten (10) students or one (1) car space per three (3) auditorium seats, whichever is greater, plus safe and convenient space for pickup and discharge of passengers from automobiles and school buses.
38. RETAIL STORE. Two (2) car spaces plus one (1) car space per 400 square feet of gross floor area, plus one (1) car space per each 1,000 square feet of gross floor area or fraction thereof, plus one (1) truck loading space for each 20,000 square feet of gross floor area or fraction thereof.
39. RESTAURANTS. One (1) car space per three (3) customer seats, other than counter or bar service seating, plus one (1) car space per 1-1/2 counter or bar seats or fraction thereof, plus one (1) car space per employee as needed per shift.
40. SELF SERVICE LAUNDRIES AND CLEANERS. One (1) car space per employee plus one (1) car space per each two (2) washing, drying or cleaning machines.
41. SERVICE CONTRACTOR FACILITY. One (1) space for each business vehicle plus one (1) car space per employee.
42. STUDIO FOR DRAMATIC ARTS, DANCE, MUSIC INSTRUCTION. Eight (8) car spaces plus one (1) car space per 800 square feet of gross floor area;
43. VEHICLE SALES FACILITY. One (1) car space per employee plus one (1) car space per 400 square feet of gross floor area, plus one (1) car space per each 1,000 square feet of gross floor area or fraction thereof, plus one (1) truck loading space for each 20,000 square feet of gross floor area or fraction thereof.
44. WAREHOUSES, WHOLESALE DISTRIBUTORS, RESEARCH LABORATORY. One (1) car space plus one (1) car space per employee plus one (1) truck loading space per 20,000 square feet of gross floor area or fraction thereof.
45. YACHT CLUBS/CLUBS AND FRATERNAL ORGANIZATIONS. One (1) car space per four (4) legal occupants (per Fire Safety Code, State of Connecticut).
46. OTHER USES NOT SPECIFICALLY LISTED: Parking space requirements for uses not specifically listed in this section shall be determined by the Commission based upon parking requirements for a listed use of similar characteristics, or upon reference to recent parking standards of the Institute of Traffic Engineers or other recognized source, or upon a determination of spaces actually required for the proposed use.

I. CONFIGURATION OF PARKING SPACES AND AREAS:

1. Each car space shall be a minimum of 9 feet wide and 18 feet in length and shall be so arranged in relation to other car spaces as to provide easy and convenient access, and shall conform with Appendix C Figure C-6 which sets forth a diagram of parking dimensions and layout.

2. Truck loading space shall be located only at the rear of buildings and shall be not less than 10 feet in width and not less than fifty (50') feet in length. Truck loading spaces shall not be located in car spaces, travel aisles or in any location to block viewing sightlines unless demonstrated not to interfere. See Article VII, Section 716 A.7 regarding the location of loading docks.

J. PORION OF REQUIRED PARKING AREA HELD IN RESERVE. The Commission may determine that the total number of parking spaces required by this section will not be immediately required by a particular use and may therefore further determine that up to 50 percent of the required parking area may be kept in reserve. It must then be planted and maintained rather than surfaced for parking until such time as the Commission may determine that the additional parking area is required. At such time as the Commission shall inform the applicant in writing by certified mail that additional parking area is to be completed, as authorized in the approved application, the area shall be completed within sixty (60) days of dispatch of such notification. No above ground improvement shall be constructed or placed upon such reserve parking area.

K. For the purposes of this Section 602, an employee shall mean the following: an owner, a manager, an assistant manager, and any other person performing specified duties upon the premises of the use regardless of his/her status as employee, independent contractor, or other form of retention; and includes part-time employees at any given time.

Section 603 – Signs and Lights

A. PURPOSE. The purpose of this section is to regulate signage and lighting in such a way as to insure public safety and protect property values and a neighborhood's character throughout the Town of Essex by limiting the location, quantity, size, design, construction, illumination and use of such structures. All signs shall conform to the standards set forth in this section as well as to any conditions set forth as part of a site plan or special exception. No sign shall include the use of profane language.

B. STANDARDS. Signs in all districts shall be allowed as an accessory use only and upon the issuance of a zoning permit or special exception, if required, and shall conform to the following characteristics:

1. SIGN CONSTRUCTION. Signs must be constructed of sound material, firmly supported and maintained in good condition and repair and must be removed when the purpose for which they were erected no longer exists. No sign shall be so designed,

situated, constructed or illuminated as to have any characteristic which may be confused with a traffic control sign or signal. The applicant may be required to provide certification from a structural engineer that the sign meets all local, State and Federal building and safety codes.

2. LOCATION. Except as provided in 603 F.8., no sign in any District shall be located on any premises other than the same premises as the use or improvement to which such sign is accessory. No sign or sign structure shall be permitted at any location where it could interfere with traffic, obstruct the view of traffic or prohibit safe pedestrian and vehicular access, movement, parking, ingress and egress. See Appendix C Figure C-8 Lighting/Illumination Diagram.

3. ILLUMINATION. No sign or light shall be erected in such a manner that any spotlight or other source of illumination directly projects to another lot; All illuminated advertisement signage must be turned off during non-business hours. See Appendix C Figure C-8 Lighting/Illumination Diagram.

3.1. Sign and building lighting shall be mounted on the sign, a building or on the ground in such a manner as to shield the light source from direct view from off-premise.

3.2. Naked or unshaded incandescent or fluorescent-electric light bulbs are allowed as part of holiday season decorations; or community events or private celebrations not to exceed forty-five (45) days;

3.3. Under no circumstances shall the illumination level measured at the property line exceed ten (10) foot candles.

4. DYNAMIC SIGNS. No sign, including an advertising sign, shall move or rotate mechanically, change context/content, or be illuminated by a light source which visibly flashes, oscillates or otherwise automatically changes in intensity or color, except one barber pole used on the premises of a licensed barber shop;. No dynamic sign located interior of a building shall be placed in a manner that is visible from a building exterior or to be used for exterior advertising through storefront windows;

C. GENERAL LIMITATIONS – See Appendix C Figure C-7 Sign Illustrations

1. WALL SIGNS. The aggregate area of all signs which are painted on, or affixed parallel against, an exterior wall of a building shall not exceed 10 percent of the gross area of such wall, measured along a straight line parallel to the setback line for such wall. This includes wall-mounted menu box signs for drive-through windows at restaurants;

2. PROJECTING SIGNS. The aggregate area of all signs projecting from a wall of a building shall not exceed three percent of the gross area of such wall measured along a straight line parallel to the setback line for such wall. This includes wall-mounted menu box signs for drive-through windows at restaurants No such projecting sign shall exceed twelve (12) square feet in area or project more than five feet from the

surface of the wall from which it projects and shall be not less than eight feet above the grade of the sidewalk, if any, or any other pedestrian pathway;

3. FREESTANDING SIGNS. No freestanding sign shall exceed an area of 40 square feet. The aggregate area of all freestanding signs located on any one lot shall not exceed either (a) one square foot for every five linear feet of such lot's front lot lines or (b) 80 square feet, whichever is less. There shall be no more than one (1) freestanding sign for each street upon which the lot has frontage and an access driveway. No freestanding sign shall be located nearer to any side lot line than the width of the required side yard nor less than 10 feet from the front lot line. No freestanding sign, in a District other than a Village Residence or Rural Residence District, exceeding 12 square feet in area or exceeding 12 feet in height shall be located within 50 feet from the boundary of any Village Residence or Rural Residence District. All signs must be a minimum of five feet from the edge of a roadway and all signs must be a minimum of two feet from the inside edge of a sidewalks when a 10-foot distance is not possible, as determined by the Zoning Enforcement Officer. This Section includes free-standing menu box signs for drive-through windows at a restaurant;

4. PORTABLE OUTDOOR SIGNS.

4.1. The purpose of these portable signs, such as "A"-frame or "T" -frame signs is to help with the promotion of economic development by allowing businesses to use portable signs in order to advertise their products and services on a daily basis. Each business is allowed one portable sign. Portable signs shall be no higher than three (3) feet nor more than five (5) square feet per surface.

4.2. In the case of a multi-business premises, each business may display such sign immediately in front of the business only.

4.2. Signs must be set back at least one (1) foot from the front property line and shall allow safe passage for pedestrians.

4.3. Exception to Setback from front property line: Location of signs for businesses within the four (4) Village Business Districts may be placed on the public sidewalk provided:

4.3.1. Their location does not prohibit safe pedestrian traffic on the public sidewalk and business ingress and egress, as determined by the Zoning Enforcement Officer.

4.3.2. Signs need to be removed and stored in a safe, secure location during non-operational hours of the business and when not safely visible by natural sunlight.

5. TERMINATION OF USE. Any sign advertising a business and/or its products must be removed within thirty days of the voluntary discontinuance of the use.

D. SIGNS REQUIRING PERMITTING

1. Signs recognized in Section 603 C. and in Appendix C Figure C-7 Sign Illustrations: Locations and area calculations need an approved zoning permit from the Zoning Enforcement Agent.

E. SIGNS NOT REQUIRING PERMITTING

1. Signage that was approved as part of a Site Plan and/or Special Exception site plan.

2. SALE OR FOR RENT SIGNS - One temporary sign advertising the sale or rental of the premises upon which it is located, not to exceed four (4) square feet in sign area;

3. CONSTRUCTION SIGNS - One temporary sign pertaining to a construction operation upon the premises upon which it is located not to exceed six (6) square feet.

4. GARAGE or TAG SALE SIGNS – One temporary sign advertising such sale on a residential property, to be held within three days following its erection, of personal property and effects. Such sales shall not exceed four (4) events per property per calendar year, and no more than two days per event.

5. TEMPORARY SIGN – see definition.

6. GOVERNMENT under the jurisdiction of the Town, the State, or the Federal governments and located on land or roadways owned by that government; and POLITICAL SIGNS

7. OFF-PREMISES SIGNS: Off-premises signs shall have a maximum area of four (4) square feet. Examples of permitted off-premises signs are as follows:

7.1. Non-Profit sponsored events

7.2. Fundraising progress signs

7.3. Campaign election signs

7.4. Multi-business name signs advertising business locations when authorized by the Board of Selectmen or its designee.

7.5. Temporary real estate signs promoting an open house, which are removed after the event.

8. SEASONAL RETAIL SALE SIGNS – No more than four signs on a property at the same time for the purpose of promoting the sale of seasonal items accessory to a farm stand, commercial greenhouses and nurseries, and similar seasonal uses. Signs shall be a maximum of four (4) square feet each.

9. MENU BOX SIGN – An enclosed box that contains the menu of a restaurant or food service.

F. SIGNS THAT ARE PROHIBITED

1. Any sign prohibited elsewhere in this section.
2. ROOF SIGN, but signs smaller than 24 square feet are permitted on roof-like areas that are not above any second story.
3. Electronic Message Centers
4. Streamers, pennants and banners, unless expressly approved by the Essex Board of Selectmen and/or traffic authority where over a street, or by the Zoning Enforcement Agent when used as temporary signage per Article VIII, S.21. for an event by a business. Signs that wave in the wind are also prohibited, not including flags less than twenty-four (24) square feet.
5. BILLBOARD SIGNS.
6. VEHICLE SIGNS, Such vehicle sign is to be parked at least 50 feet from the front property line or screened from any off-premises view.
7. PRODUCT ADVERTISING SIGNS that are on-premises and affixed to the ground, or attached to poles, fences, or other accessory structures unless otherwise permitted under these Regulations.
8. OFF-PREMISES SIGNS that advertise a product, event or location except for those allowed in Section 603 E.7.
9. INTERNALLY-ILLUMINATED SIGNS within Essex Village and Ivoryton Village.

G. ENFORCEMENT: The Commission, Zoning Enforcement Agent, or in their absence a designated agent of the Commission, shall issue written order for the removal of any signs that are not maintained or erected in accordance with the provisions of these Regulations. In the case of off-premises signs that have been placed anywhere on town or State property without approval of the Town or the State, the Zoning Official may remove such off-premises signage and store at a location for future pick-up for a period of 10 days. The provisions of Article I, Section 111 shall apply.

Section 604 - Landscaping, Limited Industrial, Business, Commercial Municipal and Industrial Services Districts

A. LANDSCAPING. It is the objective of these regulations to provide adequate landscaping to screen commercial, industrial, and/or office buildings (especially utilitarian buildings) from abutting residential properties and from the street so that the streetscape is in keeping with a rural village appearance. Before commencing any use of such building or enlargement, landscape planting, including trees, shrubs, and grass or ground cover, shall be provided and maintained by the owner in the area required for setback from property and street lines and specifically:

B. LANDSCAPING AND SCREENING. Existing trees shall be preserved to the maximum extent possible, and parking and service areas shall be suitably screened and buffered during all seasons of the year from view of adjacent residential areas and

public streets.

C. *STANDARDS*

1. All lots shall provide a landscaping strip on such lot which is not less than thirty-five (35') feet wide in the Industrial District and twenty five (25') in all other Section 604 Districts, adjacent to and extending for the length of any property line fronting on any street or private roadway maintained by the Town of Essex. This landscaping strip shall be formed with an appropriate screening berm, if feasible, and suitably landscaped and planted with street trees, ornamental trees, shrubs and lawns.

2. The landscaping strip may be traversed by one driveway for a property with less than 300 feet of front lot line. The landscaping strip may be traversed by two driveways for properties with over 300 feet of frontage. Each driveway is not to exceed 24' wide and be a minimum of 100 feet apart.

3. There shall be no parking in the fifty (50') foot front yard setback area.

4. Not more than twenty-five (25%) percent of the area of the required front yard shall be paved, and the balance shall be put in lawn or suitably landscaped and planted and shall at all times be maintained in good appearance (see number 6 below).

5. No portion of any setback area shall be used for storage or for any purpose except as herein provided. No construction equipment and vehicles shall be parked or stored in the front yard.

6. Permanent outside storage areas for materials, supplies and products shall be located in the rear yard and be fenced to the height allowed and/or otherwise screened from view from the property's public service road and/or adjacent properties

7. Loading and unloading platforms shall be located at the rear of the building, and before commencing any use of such building or enlargement, areas used for loading and unloading shall be screened from adjacent streets by landscaping or fencing.

8. *Sidewalks*

8.1. The construction of a sidewalk is strongly suggested, where feasible, along not only streets but also roadways within any multiple building complex. Refer to the Town's most current POCD.

8.2. The construction of a sidewalk is mandated along Plains Road. The sidewalk shall be parallel to and one-foot inside the front lot line of the property from the one edge of the front property line and contiguous to the other edge (unless there is a physical constraint that interferes with this location, such as a mature tree, in which case, the sidewalk shall go around the physical constraint);

9. *Trees*

9.1. Any existing tree of more than ten inches caliper (diameter at breast height) shall be shown on plot plans and shall be maintained unless it hampers utilities, structures, or reasonable working room during construction. In the event that existing trees more than ten (10) inches caliper are cut down in anticipation of filing a zoning application and for the apparent purpose of circumventing this requirement, the Commission may require such trees to be replaced with the largest trees that are commercially available.

9.2. All new deciduous tree plantings shall be a minimum of 2 ½-3" caliper (diameter at breast height) at planting. Evergreen trees shall be a minimum of five-six (5-6) feet at planting. Shrubs shall be a minimum of 2 ½-3 feet tall at planting unless the mature size is under that height (such as shrubs used as groundcover);

10. Where a property adjoins a Residence District on the side or rear property lines, a "green belt", not less than thirty (30') feet in width for Industrial District and twenty-five (25') feet in width for all Section 604 Districts, shall be planted and maintained as identified in the approved site plan. The distance between plants may be varied according to the growth requirements of the plant material in order to provide continuous screening. Generally, conifers will be planted in no fewer than two rows that are fifteen (15) feet apart, with the plant material staggered approximately fifteen (15) feet apart to provide continuous screening. An alternative placement of plant material may be allowed depending upon the suitability of the plant material species. Screening conifer plant material, recommended by the Tree Warden, may not be less than five feet in height at the time of planting.

11. A. bicycle path may be required as set forth in the approved Transportation Plan by the Planning Commission.

12. All other existing natural growth shall be preserved and maintained where practicable.

13. The Commission may require more extensive plantings, or more mature plantings, if unusual conditions demand more extensive screening and noise abatement. The Commission may, upon written request of the owner of the premises, determine that the requirements of the planting of conifers above is not required where existing natural growth to be preserved and maintained affords, in the opinion of the Commission, will provide suitable screening no less effective than would be afforded by the prescribed conifers.

14. *BONDS: See Article I, Section 107 A. Bonds and Filing Fees*

15. OTHER CONDITIONS. The Commission may impose such other reasonable conditions on an Applicant as it may deem necessary or appropriate for the purpose of preventing or diminishing:

15.1. any adverse effect of the use, land, or improvements to be authorized, upon the health, safety, and welfare of the Community,

15.2. Any undue annoyance or disturbance of the occupants of premises in the general neighborhood of such use, land or improvements, and;

15.3. any impairment of the suitability of such use, land or improvements for the General Principal Uses permitted in the district thereof under these Regulations and predominantly existing therein

Section 605 – Floodplain

A. STATUTORY AUTHORITY AND PURPOSE. The Legislature of the State of Connecticut has in Title 7, Chapter 98, Section 7-148(c)(7)(A) and in Title 8, Chapter 124, Section 8-2 of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry (see Article I, Section 102 of these regulations). Therefore, the Commission of Essex, Connecticut does ordain the following regulation. The purpose of this regulation is to:

1. Minimize public and private losses due to flood conditions in specific areas of the Town of Essex by the establishment of standards designed to:

- 1.1. protect human life and public health;
- 1.2. minimize expenditure of money for costly flood control projects;
- 1.3. minimize the need for rescue and relief efforts associated with flooding;
- 1.4. minimize prolonged business and employment interruptions;
- 1.5. minimize damage to public facilities and utilities;
- 1.6. help maintain a stable tax base;
- 1.7. ensure that purchasers of property are notified of special flood hazards;
- 1.8. ensure that persons who occupy areas of special flood hazard assume responsibility for their actions; and
- 1.9. ensure continued eligibility of owners of property in the Town of Essex for participation in the National Flood Insurance Program pursuant to rules and regulations published in the Federal Register.

B. OTHER RESTRICTIONS. This regulation is not intended to repeal, abrogate or impair any easements or other laws, regulations or ordinances, and whichever imposes the more stringent restrictions shall prevail.

C. INTERPRETATION. In the interpretation and application of this regulation, all provisions shall be considered as minimum requirements and shall be construed so as to preserve and maintain the purpose and intent hereof.

D. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection established by this regulation is considered reasonable for town-wide regulatory

purposes and is based on available scientific and engineering studies. Larger floods may occur on rare occasions, and flood heights may increase as a result of man-made or natural causes. This regulation does not imply that land outside of “special flood hazard areas” will be free from flooding or flood damages. This regulation shall not create liability on the part of the Town of Essex, any officer or employee thereof or the Federal Insurance and Mitigation Administration (FIMA) for any flood damages that result from reliance of this regulation or any administrative decision lawfully made hereunder.

E. SEVERABILITY. If any section, subsection, paragraph, sentence, clause, or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation, which shall remain in full force and effect; and to this end the provisions of this regulation are hereby declared to be severable.

F. DEFINITIONS. *SEE Article VIII - Definitions*

G. ZONE DESIGNATIONS. The zone designations are as they appear on the Flood Insurance Rate Map effective as of August 28, 2008 as adopted by the Commission (*See Article III, Section 303 C.*) and made a part of these regulations, and as the same may be amended from time to time, as filed in the Town Clerk’s office. Reference is made to the adoption and incorporation of the Flood Insurance Study and Flood Boundary and Floodway Maps of August 28, 2008, or as they may be amended from time to time, as filed in the Town Clerk’s office, and any subsequent revisions thereto, are adopted by reference and declared to be part of this regulation. Since mapping is legally adopted by reference into the regulation, it must take precedence when more restrictive, until such time as a map amendment is obtained.

H. LAND USE AND DESIGN REQUIREMENTS:

1. All new construction and substantial improvements in flood-prone areas must:

1.1. Be constructed by methods and practices that minimize flood damages; and

1.2. Be constructed with materials resistant to flood damage.

2. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving or excavation operations, may be made within the “special flood hazard area” only in accordance with the following requirements.

2.1. Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

2.2. Construction Materials and Methods. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities. Water supply and sanitary systems shall conform to the following:

3.1 New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

3.2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood water; and

3.3. On-site sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Flood Elevation. New construction and substantial improvement of buildings and other structures shall conform to the following:

4.1. Any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

4.2. Any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the base flood elevation or shall, together with attendant utility and sanitary facilities, conform to the following:

4.3. be flood proofed so that at one foot (1') above the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water.

4.4. for all new construction and substantial improvements, fully enclosed areas below the lowest floor are usable solely for parking of vehicles; building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4.5. be certified by a registered professional engineer or architect that the above standards are satisfied, which certifications shall be provided to the Zoning Enforcement Agent.

5. In Zones A, A1-A30, *refer to Article III, Section 303, C.*, the requirements of Section 605 H.4. that any nonresidential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation shall not apply to the following:

5.1. A one story attached garage, provided said garage is not an integral part of a residential structure.

5.2. Accessory buildings, which are less than 400 square feet in floor area and are

accessory to a residential structure.

5.3. One story row garages located on a lot in a residential district containing multiple dwelling units.

6. Accessory buildings, one story attached garages on residential structures and detached garages, as defined in Section 605 H.5. shall conform to the following:

6.1. One story attached garages on residential structures

6.1.1. Shall not be used for human habitation.

6.1.2. Shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwater.

6.1.3. No machinery or equipment which services a building such as furnaces, air conditioners, heat pumps, hot water heaters, washers, dryers, elevator lift equipment, electrical junction and circuit breaker boxes, and food freezers, are permitted below the base flood elevation.

6.1.4. All interior wall, floor, and ceiling materials located below the base flood elevation must be unfinished and resistant to flood damage.

6.1.5. There shall be no basement or excavated area below any accessory building or garage.

6.2. Detached garages.

6.2.1. Use of the garage must be limited to parking or limited storage.

6.2.2. The garage must be built using unfinished and flood damage resistant materials.

6.2.3. The garage must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure and meet the hydraulic openings requirements of Section 605 H.4.3-4.4.

6.2.4. The garage must comply with flood plain encroachment requirements as per Section 605 I.

6.2.5. There shall be no basement or excavated area below any accessory building, attached garage, or detached garage.

6.3. Manufactured Homes:

6.3.1. All manufactured homes must be elevated and anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6.3.2. Manufactured homes placed or substantially improved within Zones A1-30, AH and AE must be elevated on a permanent foundation such that the lowest floor of the

manufactured home is elevated to or above the base elevation and be securely anchored to an adequate foundation system to resist flotation, collapse, and lateral movement, which meet one of the following location criteria:

6.3.2.1. Outside of a manufactured home or subdivision;

6.3.2.2. In a new manufactured home park or subdivision;

6.3.2.3. In an expansion to an existing manufactured home park or subdivision; or

6.3.2.4. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood.

6.3.3. Recreational Vehicles: All recreational vehicles placed on sites within A1-30, AH and AE must be either:

6.3.3.1. On the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, or

6.3.3.2. Meet the elevation and anchoring requirements of a manufactured home. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnected type utilities and security devices and has no permanently attached additions.

6.4. Subdivision applications shall include the following:

6.4.1. Base flood elevation data for all new subdivision proposals and other proposed developments greater than 50 lots or five acres, whichever is the lesser;

6.4.2 The Planning Commission shall review subdivision proposals to assure that:

6.4.2.1. Such proposals minimize flood damage;

6.4.2.2. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

6.4.2.3. Adequate drainage is provided.

6.5. COMPENSATORY STORAGE: The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Compensatory storage will also be subject to the following:

6.5.1. Storage shall be provided on-site, unless easements have been gained from adjacent property owners;

6.5.2. It shall be provided within the same hydraulic reach and a volume not previously used for flood storage;

6.5.3. It shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

6.6. EQUAL CONVEYANCE. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map ("FIRM") for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

I. FLOODWAYS.

1. Floodways as designated on the Flood Boundary and Floodway Maps are extremely hazardous areas due to the velocity of flood waters which cause erosion and carry debris and potential projectiles. The town may request floodway data of an applicant for watercourses without FEMA published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the town's request or not), the town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one foot (1') at any point along the watercourse.

2. In Zone A when base flood elevations become available, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than one foot (1') at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development. The following additional standards are applicable to development in relation to floodways:

2.1. Encroachment: There shall be no encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating that encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge.

2.2. If the requirement of Section 605 I.2.1. is satisfied, all new construction and substantial improvements shall comply with all other applicable standards of the Flood Plain District.

J. FLOOD HAZARD AREA PERMITS. See Article I Section 114 D.-

K. Bonds and Filing Fees – See Article I, Section 107.

L. APPEALS AND VARIANCES IN FLOOD PLAIN DISTRICT.

1. Refer to Article II – ZONING BOARD OF APPEALS for procedures for variances.

2. Exemption. Variances for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places and the Connecticut State Inventory of Historic Places may be issued without regard to the considerations and conditions of this section.

3. General Considerations. In passing upon applications for variances, the Zoning Board of Appeals shall consider:

3.1. the technical evaluations and studies that are the basis of these Regulations,

3.2. the standards of these Regulations, and

3.3. the following:

3.3.1. the danger that materials may be swept onto other lands to the injury of others;

3.3.2. the danger to life and property due to flooding or erosion damage;

3.3.3. the susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;

3.3.4. the importance of the services provided to the community by the proposed facility;

3.3.5. the necessity of a waterfront location for the function of the facility;

3.3.6. the availability of alternative locations for the proposed facility which are not subject to flooding or erosion damage;

3.3.7. the compatibility of the proposed use with existing and anticipated other development;

3.3.8. the relationship of the proposed use to the plan of development for the Town and the flood plain management program for that area;

3.3.9. the safety of access to the property in times of flood for ordinary and emergency vehicles;

3.3.10. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges;

3.3.11. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.

4. Conditions for Variance. The following are conditions applicable to the issuances of variances by the Zoning Board of Appeals: (See Article II)

4.1. No variance shall be issued within a floodway if any increase in flood levels during the base flood discharge will result.

4.2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4.3. Otherwise, variances may be issued for new construction and substantial improvements to be erected on a lot of approved size in the district in which it lies when the lot is contiguous to and generally surrounded by lots with existing structures constructed below the base flood elevation provided that the following criteria are met:

4.3.1. a showing of good and sufficient cause;

4.3.2. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

4.3.3. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing Town laws, ordinances and regulations.

5. Conditions. When issuing a variance, the Board may attach such conditions that it deems necessary to further the purpose and intent of this regulation.

6. Written Notice. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25.00 for \$100.00 of insurance coverage.

M. ENFORCEMENT

1. Each Zoning Flood Hazard Area Permit shall authorize, as a condition of approval, the Zoning Enforcement Agent ("ZEA") or designated agents to make inspections of the subject property at reasonable times and upon reasonable notice. The ZEA or designated agents are also authorized to inspect any property in a Special Flood Hazard Area ("SFHA") where it appears that violations of these regulations may be taking place. If the ZEA finds that any person is undertaking any construction, substantial improvement, filling, or any other activity, or maintaining a condition which is in violation of these regulations, the ZEA shall:

1.1. Issue a written order by certified mail, return receipt requested, to the subject property owner, ordering that the activity cease and ordering the property owner to either seek to obtain a Zoning Flood Hazard Area Permit prior to continuing with the activity or, if appropriate, ordering that all violations and/or obstructions be removed from the Special Flood Hazard Area ("SFHA") immediately.

1.2. Notify the Building Official/Inspector and request that any building permit(s) in force be revoked or suspended and that a stop work order be issued.

1.3. The ZEA may suspend or revoke a Floodplain Development Permit if it is found that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application including application plans. Prior to revoking any permit, the ZEA shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action.

1.4. Failure to comply with any written order issued under this section shall be considered a violation of these regulations and is subject to the penalties described in Section 605 N.

1.5. In the event violations or obstructions are not promptly removed from the Special Flood Hazard Area ("SFHA"), the ZEA may cause such removal and remediation work to be performed utilizing bond money held in escrow pursuant to Section 605 K. of this regulation or may direct the appropriate agent to cause such work to be done and to place a lien against the property.

1.6. Any person subjected to enforcement action pursuant to this regulation, may appeal any requirement, decision, or determination of the Essex Zoning Board of Appeals, in accordance with Article II, Section 203 of these Regulations. Such person shall provide such information as necessary including appropriate certifications from a registered professional engineer or architect in order to substantiate the claim that the requirement, decision, or determination of the ZEA was in error or unwarranted.

1.7. Nothing contained herein shall prevent the owner of a residential dwelling, commercial or industrial building existing at the time of the adoption of this regulation from repairing, replacing or restoring said building or the components thereof to substantially the same character and form as existed at the time of such adoption.

N. PENALTIES FOR VIOLATION Any violation of the provisions of this regulation or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with the granting of variances or special exceptions, shall constitute a misdemeanor. Any person who violates this regulation or fails to comply with any of its requirements shall, upon conviction thereof be subject to the fines, imprisonment, civil penalties, costs and fees as set out in Section 8-12 of the Connecticut General Statutes, as from time to time amended. Nothing herein contained shall prevent the Town of Essex from taking such lawful action as is necessary to prevent or remedy any violations.

Section 606 – Erosion and Sediment Control

A. SOIL EROSION AND SEDIMENT CONTROL. A Soil Erosion and Sediment Control Plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre. The Soil Erosion and Sediment Control Plan shall be submitted as part of the more

comprehensive site development plan as required in Article I, Section 114 B. and 114 C. of these *Zoning Regulations*. The plan shall contain, but not be limited to:

1. The schedule for grading and construction activities including: start and completion dates; sequence of grading and construction activities; sequence for installation and/or application of soil erosion and sediment control measures; and sequence for final stabilization of the project site.
2. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
3. The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
4. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
5. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

B. SOIL EROSION AND SEDIMENT CONTROL – MINIMUM STANDARDS.

1. Plans for erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended
2. The minimum standards for individual measures shall be those in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons shall be presented.
3. The appropriate method as provided for in Section 608 Drainage and Storm Water Control and the Connecticut Stormwater Manual (2004), as amended, shall be used in determining peak flow rates and volumes of runoff, retention, detention, storage criteria unless an alternative method shall be approved by the Commission.

C. **BONDS:** The Commission may require bonding to assure the installation and maintenance of erosion and sedimentation control measures, including the cost of replacing or supplementing them if necessary. Such bonds shall be in the form of cash, passbook assignment, or letter of credit, as determined by the Commission, and the form thereof shall be subject to review and approval by the Commission's legal counsel. Insurance company surety bonds shall not be acceptable.

D. CONDITIONS OF APPROVAL.

1. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the approved plan, may be required to be covered in a performance bond or other assurance acceptable to the Commission.

2. Site development shall not begin unless the Soil and Sediment Control Plan shall be approved and those control measures and facilities in the plan scheduled for installation prior to site development shall be installed and functional

3. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the approved plan.

4. All control measures and facilities shall be maintained in effective condition to ensure compliance with the approved plan

Section 607 – Excavation

A. PURPOSE. To prevent or diminish any adverse effect of all filling, excavation, grading or transportation operations upon the health, safety or welfare of the community, any undue annoyance or disturbance of the occupants of premises in the general neighborhood of such operation, any impairment of the usefulness or value of premises involved in such operations and in the general neighborhood of such operations, and any unwarranted adverse effect upon subsurface water resources.

B. OPERATIONS PERMITTED WITHOUT SPECIAL EXCEPTIONS.

1. Necessary filling, excavation, grading or removal in connection with:

1.1. Construction of the foundation of any building or swimming pool or in land incidental to the construction of any such building or swimming pool, or of access way and parking facility, involving the movement of not more than 1,000 cubic yards of earthen material.

1.2. Construction of any single-family dwelling that is not part of a subdivision of land and involving the movement of not more than 1,000 cubic yards of earth material.

2. Any earth removal, filling and/or regrading when the disturbed area of the development is cumulatively ½ acre or less and less than 1,000 cubic yards of earth material.

C. OPERATIONS REQUIRING A SPECIAL EXCEPTION.

1. Earth material operations not specifically permitted under Section 607 B. require a Special Exception as specified under Section 607 E.

2. Application for a Special Exception, which the Commission or its designated agent may grant after public hearing, shall be submitted as specified under Section 607 E. in duplicate to the Commission.

3. Bonds and Filing Fees: See Article I, Section 107. Bonds and Filing Fees

D. REGULATIONS FOREXCAVATION AND FILLNG OF EARTH PRODUCTS.

1. DEFINITIONS See Article VIII - DEFINITIONS:

E. APPLICATIONS FOR SPECIAL EXCEPTION.

1. Application for a Special Exception shall be in accordance with Section 115 and include a soil erosion and sediment control plan which shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for plan approval are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

2.- Said plan shall be in accordance with Section 606 and include additional information as needed but not be limited to:

2.1. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities;

2.2. an estimate of the number of cubic yards of material to be filled, excavated, graded or removed and an estimate of the time necessary to complete the operation;

2.3. an estimate of the number, types and hours of operation of trucks and other machinery to be used on the site, and the locations and types of any buildings, including temporary buildings to be erected;

2.4. details of proposed blasting and storing of explosives.

3. A site plan map shall be submitted as per Appendix B.

4. A re-use plan demonstrating that, upon completion of the operation, the property can be used for uses permitted in the zone, including adequate depth to groundwater to allow the installation of septic systems in areas not served by public sewers.

5. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

F. Issuance or Denial of Special Exception:

1. The Commission shall grant the Special Exception in accordance with Article I, Section 115 C. when the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation, or it shall deny the Special Exception when the plan does not comply with these regulations.

2. Prior to granting the Special Exception, any plan submitted to the Commission may be reviewed by the Ct. River Coastal Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan. Where the site plan falls within the area regulated by the Connecticut River Gateway Conservation District, the plan shall be submitted to the plan shall be submitted to the CT. River Coastal Conservation.

3. The Commission may forward a copy of the control plan to the Conservation

Commission, Inland Wetlands and Water Courses Commission or other review agency or consultant for review and comment.

G. Inspection:

1. Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the control plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the control plan and are being operated and maintained.

2. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the control plan.

3. Site development shall not begin unless the soil erosion and sediment control plan is approved and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

4. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the control plan.

H. GENERAL STANDARDS AND CONDITIONS.

1. All filling, excavation, grading and transportation operations must comply with the following standards and conditions:

1.1. No filling, excavation, grading or removal which is more than ten (10') feet below the elevation of any abutting street or property line shall occur within twenty-five (25') feet of a property line. Barricades or fences shall be erected as are necessary for the protection of pedestrians and vehicles;

1.2. no processing machinery shall be erected or maintained on the lot within one hundred (100') feet of any abutting street or property line, and any such machinery shall be removed from the lot upon termination of the operation. No other machinery not required for the operation shall be on the site;

1.3. except in an Industrial District, no screening, sifting, washing, crushing or other forms of processing shall be constructed upon the premises;

1.4. proper measures shall be taken to minimize nuisance from noise and dust. The driveway(s) or other access roadway(s) shall be treated in such manner as the Zoning Enforcement Agent may direct to ensure compliance with this section;

1.5. all vehicles moving through the Town of Essex carrying earth materials shall have their loads covered and secured to prevent dust and spillage.

2. Restoration. Upon completion of work, the area of excavated, filled or otherwise disturbed ground shall be prepared or restored as follows:

2.1. Such area shall be evenly graded to slopes not exceeding one foot of vertical rise

to three feet of horizontal distance except where ledge rock makes steeper slopes unavoidable or to such lesser slope necessary for soil stability, safety and reasonable reuse and development of the lot; in addition, the area shall be evenly graded with sufficient slopes, dikes, berms and waterways to assure adequate drainage of the area, to eliminate stagnant pools of water and adjacent area damage;

2.2. all debris and all loose boulders not incorporated into the improvement of the lot shall be buried or removed from the lot;

2.3. a top layer of any arable soil, which shall be free of any large stones, shall be spread to a depth of not less than six (6) inches over the entire area, and the area shall then be seeded with a perennial grass and maintained until the ground shall be completely stabilized and there exists no danger from erosion.

I. EXISTING OPERATIONS. Any operation involving the filling, excavation, grading or removal of earthen material which is in existence and has an overall approval on the effective date of these regulations shall be allowed to be completed in accordance with the overall approval.

J. BONDING. See Article I Section 107 Bonding and Filing Fees

1. The Commission shall require that one or more performance bond(s) be posted with the Treasurer of the Town to guarantee completion of all work necessary to fulfill all conditions prescribed in connection with the grant of the Special Exception. It may require that a single comprehensive bond be posted to guarantee fulfillment of all such conditions or it may require that several separate bonds be posted to guarantee completion of separable components of any such conditions. Such bond or bonds, in which the applicant shall be the principal and the surety shall be a bonding company licensed to do business in Connecticut, shall be given in such amount or amounts as the Commission shall prescribe. The Commission may at its discretion accept a cash bond or bonds. A single comprehensive bond, posted to guarantee completion of a separable component of any such conditions, shall remain in effect until completion of such component. No removal shall be commenced unless and until the bond or bonds required hereunder have been posted.

Section 608 – Drainage and Storm Water Control

A. Purpose

1. The purpose of this Section is to encourage development proposals to address drainage and stormwater issues related to new development and to incorporate Low Impact Development (“LID”) planning and design approached in the Town of Essex. This Section seeks to guide land use decisions and does not replace any Federal, State or local stormwater flow control and water quality treatment regulations.

2. Low Impact Development (“LID”) is an approach to land-use planning and project design that seeks to:

2.1. Increase the ability of a developed site to effectively emulate pre-development

hydrologic conditions, including without limitation, stormwater retention and detention, water quality treatment and infiltration functions;

- 2.2. Minimize overland stormwater runoff from a developed site;
- 2.3. Maximize retention of trees, native vegetation, under story plants, and native soils;
- 2.4. Minimize disturbance;
- 2.5. Minimize conversion of site surfaces from vegetated to non-vegetated surfaces; and,
- 2.6. Maximize the quantity and use of appropriate native plants on-site

B. Applicability: The provisions of this Section shall apply when Site Plan(s) drawing(s) are prepared as a part of permit applications for Zoning Permit, Site Plan, Coastal Site Plan or Special Exception approvals as follows:

1. For Commercial, Retail, Business and Industrial Developments
2. For Multi-Family Residential Developments of three (3) acres or more, excluding single family and two-family residential construction as a part of a previously approved lot,
3. The total impervious surface area of developments is fifty (50%) percent or greater,
4. Applications for other developments may be required to provide such drainage and stormwater control if deemed necessary by the Commission to protect the health, safety and welfare.

C. General Requirements

1. Measures for retention, detention and controlled release of stormwater runoff shall meet the following standards and shall be designed in accordance with the requirements set forth in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002) and the 2004 Connecticut Department of Environmental Protection Stormwater Quality Manual” as amended;
2. The CT DOT Drainage Manual shall be used as a source document for analysis;
3. Peak discharge from the two (2) year, ten (10) year, twenty-five (25) year and one-hundred (100) year return frequency, 24-hour, type iii distribution of NOAA Atlas 14 (latest version) Middlesex County -Essex, CT. storms shall be analyzed;
4. Rainfall run-off for the entire site development equaling 1" rainfall volume shall be retained on-site utilizing methods described in 5. below;
5. No increase in peak run-off rates from pre-development conditions to post-

development conditions for storms as listed in 3. above shall be allowed to leave the site. Design elements may include, but not limited to:

- 5.1. Detention basins
 - 5.2. Belowground infiltration structures
 - 5.3. Retention ponds
 - 5.4. Roof and parking storage
 - 5.5. Other acceptable measures;
6. Run-off shall be computed utilizing analysis methods as approved by the Commission or the Zoning Enforcement Agent.,
7. Stormwater systems should be designed to trap floatable materials separately from sediment and be accessible for cleaning and maintenance.

Section 609 – Traffic Studies Control

A. For permit applications with site plans involving fifty (50) or more parking spaces and/or uses projected to generate more than three hundred (300) vehicle trips per day;

1. A traffic impact analysis, prepared by a traffic engineer licensed in the State of Connecticut, indicating the expected average daily vehicular trips, peak hour volumes, access conditions at the parcel, distribution of traffic, types of vehicles expected and effect upon level of service of the street or other roadway giving access to the parcel shall be prepared.

2. A traffic impact analysis may be waived by the Commission where the proposed use, existing traffic patterns and conditions, and roadway geometry indicate that such an analysis is not required under the circumstances. Refer to Appendix B

3. The Commission, reviewing permit applications with less traffic impact than specified in A. above, may require a traffic impact analysis to be prepared as a part of the permit application.

B. The traffic impact analysis shall be prepared utilizing study parameters and criteria established and accepted by the Office of State Traffic Authority ("OSTA").

C. Traffic impact analysis studies for projects accessing onto Town streets may be conducted at any time during the year using standard projection methods for summer month traffic levels. Traffic impact analysis studies for projects accessing onto State streets shall be conducted during peak summer time intervals as directed by the Commission or the Zoning Enforcement Agent.

Section 610 – Timber Cutting Plan

A. TIMBER CUTTING PLAN. The applicant shall submit a plan, which shall be

made a part of the coastal site development plan required under Article I, Section 114 B. of these Regulations, describing the existing mix of forest tree species and their approximate height, age and density; and a complete description of the cutting and removal activities to be undertaken in preparing the site for any proposed improvements and for the customary maintenance of the premises.

1. Any tree more than ten inches caliper (diameter at breast height) shall be shown on the site development plan and, unless otherwise permitted by the Commission upon written request, shall be maintained.

2. All existing natural under-growth shall be preserved and maintained where practicable.

3. The Commission shall have the authority to require, and may require, more extensive plantings, or more mature plantings, if conditions on the proposed site demand more extensive screening.

B. The Commission may impose additional requirements as conditions of approval including, but limited to, the provision of additional buffer areas, site development limitations, landscaping and similar stipulation.

Section 611 – Performance Standards (vacant)

Article VII - Special Requirements

Section 701 – Definitions and Prohibitions

- J. Definitions – See Article VIII
- K. Prohibitions – See Article III, Section 305

Section 702 – Residential Conversions *(vacant)*

Section 703 – Conditions of Residential Multiple Dwelling Development Projects Special Exception

A. PURPOSES. The provisions of this Section 703 are designed to enable a developer of land for multifamily residential use to make such use pursuant to a plan which is in keeping with the overall residential density and open space objectives of these Regulations in order to:

1. Permit a creative approach to the development of residential land by avoiding the conventional gridiron pattern;
2. Accomplish a more desirable environment than would be possible under the strict application of the requirements of Article IV, Section 402 C.;
3. Provide for the most efficient use of land, and thus counteract the effects of urban congestion and monotony;
4. Enhance the appearance of neighborhoods through preservation of natural features, and open space areas;
5. Provide structure to neighborhood design, add to the sense of spaciousness and encourage participation by all age groups in the use and care of local open space tracts within new residential subdivisions; and thereby
6. Help promote the public health, safety, and welfare of the people residing nearby, and to aid in stabilizing property values.

B GENERAL. *Applications for projects within this Section 703 shall be by Special Exception Article I, Section 115 C.1.* In addition to the conditions prescribed in Article I, Section 115 C.1., the required submissions for a Special Exception for a multiple dwelling project shall include the information under Article I, Section 115 A.7 as follows:

1. BUILDINGS.

1.1. VACANT

1.2. Only the first and second stories shall be used for dwelling purposes; no space having its floor level below the grade shall be used for dwelling purposes except as a recreation or utility room;

1.3. The minimum distance between any two multi-family dwelling buildings in a multiple dwelling project shall not be less than 60 feet, and not less than twenty-five (25') feet for single-family dwelling buildings, and where the number of such buildings exceeds two, the intervals between them and their orientations shall be varied sufficiently to avoid the uniform appearance of a gridiron pattern and to make efficient use of the entire lot as an integrated whole;

1.4. There shall be in respect of each building a minimum setback line of fifty (50') feet from all streets and all lot lines of adjacent property;

1.5. The required minimum floor area of each family dwelling unit shall be seven hundred (700') square feet. For each room in excess of three, the family dwelling unit shall have an additional 120 square feet of floor area. In determining the number of rooms of a family dwelling unit and its floor area for purposes of this subparagraph, there shall not be included halls, stairways, foyers, closets, porches or bathrooms;

1.6. The maximum number of separate bedrooms in any family dwelling unit shall be three, and the minimum one;

1.7. There shall be provided for each family dwelling unit an enclosed storage space within the dwelling, in addition to closet space, equal to 10 percent of the floor area of such family dwelling unit. In determining the floor area for purposes of this subparagraph, there shall not be included halls, stairways, foyers, closets, porches or bathrooms;

1.8. One or more surfaced areas for use as a clothes line drying area shall be provided at the rear of each dwelling building. Such area or areas shall be surrounded by a closed fence, latticework or shrubbery;

1.9. *Screened* storage of rubbish and garbage shall be in one or more suitable vermin and rodent proof containers having at least a 40-gallon capacity per each family dwelling unit;

1.10. Radio and television facilities shall be installed on the rear of building and shall be served by a master antenna only. No individual external radio or television antennas shall be permitted.

2. UTILITIES.

2.1. Each family dwelling unit shall be connected to a water supply and a minimum daily supply as per the Connecticut Public Health Code of pure potable water shall be made available under adequate water pressure to each family dwelling unit, and shall comply with Article I, Section ____[^]. The water supply system shall be so designed and constructed as to provide adequate fire protection with hydrants installed within five hundred (500') feet of all structures or as required by the Town Fire Marshal;

2.2. Each dwelling building shall be connected either to a municipal sewage disposal system or to a private sewage disposal system which shall have been approved by the Town Health Officer and a licensed engineer as suitable for the local soil conditions,

and shall comply with the requirements of Article I, Section 115._____. In no case shall the sanitation requirements be less than those required by the State Department of Health;

2.3. All wires, cables and other conduits and equipment used to transmit utilities to or among multiple dwellings and buildings within multiple dwelling projects shall be installed underground in accordance with, and to the extent permitted by, generally accepted engineering principles.

3. STREETS, TRAFFIC, PARKING.

3.1. All proposed streets associated with any multiple dwelling or multiple dwelling project shall conform to the design criteria and construction standards prescribed by the Essex Subdivision Regulations, as the same may from time to time be amended, in the case of subdivisions. All such streets shall have a right of way not less than 50 feet wide, whether intended to be Town streets or private association streets, and shall be so arranged that they connect in a reasonable way considering traffic problems, the convenience of future occupants and the public, with other proposed or existing streets. Whenever the Commission shall so require, a driveway shall be considered as a street for purposes of this subparagraph. In making such requirement, the Commission shall have regard to the length, location and reasonably foreseeable intensity of use of said driveway;

3.2. The area shall be served from, or have access to an accepted, improved town or state street which provides adequate circulation and access to other sections of the Town. Where such Town street is not deemed adequate to serve the area, the Commission may require participation by the developer in the improvement of said Town street in accordance with the Town Road Ordinance. Ease of entrance to, and exit from, the development with minimum impact on normal traffic flow shall be of prime importance. Interior streets and driveways shall be designed to eliminate through traffic, reduce traffic speeds and provide for adequate circulation within the development and to its facilities and open space. Walkways, courts and paths shall provide pedestrian access to and between residential structures, supporting facilities and community open space and shall be separated from vehicular traffic whenever reasonably possible;

3.3. In accordance with Table VI-1, off-street parking spaces shall be provided at a minimum of 1.5 spaces per dwelling unit. Parking may be provided beneath dwelling units, in separate parking garages or in open parking areas. Parking facilities shall be designed as an integral part of the site development design and arranged to prevent undue concentration of parking facilities. Access to dwelling units from parking facilities shall be by walkway or with structures.

4. OPEN SPACE.

4.1. All land not used for dwellings, supporting facilities, parking, vehicular circulation, or private yards shall be considered open space. It shall be so arranged and defined that its area, permanent use and control can be established. Except when required for Town use, it shall be dedicated for use by the residents of the development

with adequate controls to assure its maintenance, and with restrictions or covenants prohibiting or restricting building thereon;

4.2. The following types of supporting facilities to serve the residents of the development are permitted or may be required by the Commission: recreational facilities such as tennis courts and swimming pools; also, storage for owners' or tenants' boats, trash removal facilities, and school bus pickup shelters.

5. OTHER REQUIREMENTS.

5.1. Housing units may be for rental or for sale in cooperative or condominium ownership. Documentation as to the organization and incorporation of applicable ownership associations shall be submitted to the Commission. All open space, other than that accepted by the Town, and supporting facilities, including streets and driveways, shall be under specified common ownership with provision for maintenance, liability and the rights of access and use by residents of the development which is acceptable to the Commission.

5.2. All signs shall be designed as an integral part of the design concept, and shall otherwise meet the requirements of Article VI, Section 603.

C. BONDS. *See Article I Section 107 Bonds and Filing Fees*

D. REQUIRED CHARACTERISTICS. The minimum lot area shall be determined by the proposed number of family dwelling units. If the lot is served by public water supply, by a company under the jurisdiction of the Public Utilities Regulatory Commission and the State Department of Health, the minimum lot area shall be 40,000 square feet per family dwelling unit; otherwise it shall be 60,000 square feet per family dwelling unit. The only required setbacks are those specified in paragraph Section 703 A.1. Each lot shall contain a contiguous building site of at least 42% of the minimum lot area which is considered buildable land as defined in Article VIII. Maximum building coverage is 10%. The maximum building height is 35 feet.

Section 704 – Condominiums (vacant)

Section 705 – Active Adult Community

A. An active adult community shall be as follows:

1. A residential Community providing housing for older persons occupied by those 55 years of age or older to the extent permitted by Federal and State Fair Housing Laws and any other applicable laws. This restriction shall be incorporated into the respective deeds of the units and shall remain in effect unless modified by the Commission and the owner(s) of the property.

2. Additional allowed uses are the provision of amenities, and accessory or ancillary uses typical in such a residential community.

3. There shall be a minimum of two residential parking spaces required per unit, one of which shall be under cover. The Commission, in its discretion, may require

additional guest parking as follows: guest parking; RV/trailer parking; and, employee parking. All parking shall be suitably landscaped and screened.

B. MODIFICATION: While it is the intention of this section to provide housing for people aged 55 and over, the Commission recognizes that under certain conditions it may not be in the best interest of the Town to restrict the proposed development of 80% of the units to occupants 55 years of age or older. Therefore, the Commission may, in its discretion, reduce the requirement that 80% of the units constructed under this Section 705 A. be restricted to people aged 55 years or older. In deciding whether or not to reduce this restriction the Commission may consider traffic, water supply, size of the structure, the number of units contained in the structure(s), the number of bedrooms within each unit, available parking, proposed recreational facilities, if any neighboring structures are or are not restricted, (elevators within the structure(s)), the effect, if any, on neighboring properties and the location of the proposed development relative to other facilities and medical offices. If the Commission modifies the above restriction, then the units may be sold and/or occupied by persons of any age. However, all of the other conditions of this section must be complied with. The facility owner or manager shall submit a letter annually to the Zoning Enforcement Agent certifying conformance with the Modification.

Section 706 - Open Space Residential Development Subdivisions

A. SINGLE FAMILY RESIDENTIAL CLUSTER DEVELOPMENT. Anything to the contrary in these regulations notwithstanding, lots and structures contained within a single family residential cluster development subdivision, (which development is entitled Open Space Preservation Subdivision in the Essex Subdivision Regulations), shall not be subject to the required characteristics for the zoning district in which the property is located. Rather, the lot and buildings shall be subject to the characteristics as shown in Article IV Table IV-I:

1. Each lot shall contain a contiguous building site of at least 42% of the minimum lot area, which is buildable land as defined in these Regulations.
2. Perimeter Buffer between Cluster Development Subdivision Boundary Line and Boundary Line Of Any Lot Therein - 75 ft.
3. It is not the intent of this regulation to increase the density of land development in Essex. The number of lots in a cluster development subdivision shall not exceed the number of lots which could reasonably be created in a standard subdivision layout as determined in accordance with the Subdivision Regulations.
4. This Section 706 A. shall apply only to property located within the Rural Residence District.

Section 707 - Home Based Business – See Article VIII Definitions H.5.

Section 708 – Sale of Alcoholic Beverages

A. GENERAL. Except as provided in Section 708 A.1. below, any other provision in

these Regulations to the contrary notwithstanding, no building or land shall be used for:

1. ON-OR-OFF-PREMISES SALE OF ALCOHOLIC BEVERAGES. The sale of any alcoholic beverage to be consumed on the premises or the sale at retail of any alcoholic beverage to be consumed off the premises if such building or land is located in a Village Residence, River Road Residential, or Rural Residence District.

Section 709 – Waste Facilities

A. GENERAL. Any other provision in these Regulations to the contrary notwithstanding, no land in any District shall be used for the storage or keeping of garbage, waste or scrap material, debris, motor vehicles which are partially or wholly dismantled, motor vehicle parts, abandoned machinery, junk or similar material except:

1. BUSINESS OPERATION. When stored or kept on premises of the owner as an accessory use to the operation of a commercial, duly- licensed motor vehicle repair business in a District in which such use is permitted;

2. CONSTRUCTION OPERATION. When stored or kept temporarily as an accessory use to the prosecution of a construction operation upon the same premises where such material is stored or kept;

3. INSIDE STORAGE. When stored or kept within a completely enclosed building as an accessory use to the principal use;

4. MOTOR VEHICLE IN REPAIR. One motor vehicle temporarily stored or kept on premises of the owner while such vehicle is being repaired, if stored or kept indoors or in the rear yard and screened as viewed from the street; or

5. ANTIQUES. Antique household furniture, china, glassware or silver when displayed on premises of a dealer as inventory or awaiting delivery to customers in the ordinary course of a regular business of refurbishing or selling such antiques.

B. PRE-EXISTING USES. The accessory use of land for the storage or keeping of material described in this Section 709 A. shall not be considered as establishing a nonconforming principal use.

C. HAZARDOUS WASTE DISPOSAL - Under no circumstances will the deposition of or storage of waste materials from hydraulic fracturing, other petroleum or natural gas extraction operations and/or coal byproducts be permitted.

Section 710 – Trailers, Motor Homes, Boats and Recreational Vehicles

A GENERAL. Any other provisions in these Regulations to the contrary no trailers, mobile homes, boat and/or recreational vehicles shall be used, or placed upon premises in any District except:

1. PARKED OR STORED. When parked or stored on premises of the owner thereof

and not there used for human habitation or other purpose if (1) the number of such trailer, mobile home, boat and/or recreational vehicles on said premises does not exceed one and (2) such trailer, mobile home, boat and/or recreational vehicle is parked or stored indoors or in the rear yard and screened as viewed from the street;

2. CONSTRUCTION OFFICE. When used as a temporary office in connection with the prosecution of a construction operation upon the same premises where such trailer, mobile home, boat and/or recreational vehicle is located; or

3. MANUFACTURER'S INVENTORY. When parked or stored on premises of the owner as inventory or awaiting delivery to customers in the ordinary course of a regular business of manufacturing or selling of trailers, mobile home, boat and/or recreational vehicles.

4. BUFFERS: Rear and side yard setbacks for approved uses within this Section 710 shall be 1.5 times the required minimum rear and side yard for the District to which the use is to be located.

B. The foregoing exceptions, Section 710 A.1, A.2., and A.3, shall not apply to special flood hazard areas as defined by Article VI of these regulations. No mobile home shall be used, or placed upon premises in a special flood hazard area as delineated on the Flood Insurance Map.

Section 711 - Accessory Dwelling Units

A. PURPOSE. The purpose of this section is to allow private property owners to create housing alternatives in the form of accessory dwelling units across the Town of Essex. Accessory dwelling units, as permitted in this section represent a method of increasing residential densities in established neighborhoods and particularly in village centers and key development nodes without negatively impacting established community character.

B. DISTRICTS. An accessory dwelling unit shall be permitted via a site plan review per Article I, Section 114 B. of these regulations in the following districts; Village Residence District (VR), Rural Residence District (RU), Rural Residence – Multifamily (RR-MF), Essex Village District (EV) and Commercial District (C). Where these districts are superimposed by other overlay districts in the Town of Essex, and unless expressly prohibited in the overlay districts, accessory dwelling units shall be permitted in these districts.

1. Accessory dwelling units proposed within a principal structure shall be permitted with a zoning permit as long there are no external changes to the principal structure. A site plan review is required where external changes to the principal structure are proposed.

2. Accessory dwelling units within new or existing detached accessory buildings shall be permitted via a site plan review.

C. DEFINITIONS. See Article VIII of these Regulations.

D. REQUIRED LOT CHARACTERISTICS.

- 1. The lot shall conform to the minimum lot width and area requirement for the zone in which the property is located or be legally nonconforming.
- 2. New construction for accessory dwelling units, whether detached from principal structure or involving structural additions or modifications to the principal structure, must conform to all setback and coverage requirements of these Regulations.
- 3. Parking and access from the street or any other public right-of-way shall serve both the principal and accessory units, and shall not be distinguishable as separate facilities;
- 4. No additional curb cut shall be created to serve an accessory dwelling unit;
- 5. Adequate off -street parking as required by these Regulations shall be provided for both uses and such parking shall not be located in the front yard;
- 6. Where practicable, parking areas for the accessory dwelling unit shall be located to the rear of the principal building.

E. ACCESSORY DWELLING UNIT CHARACTERISTICS

- 1. Where any portion of an existing principal building has been continuously used for human occupancy, that portion of the building may be converted to an accessory dwelling unit provided that the conversion shall not increase any nonconforming characteristic.
- 2. An existing enclosed and attached garage area shall not be considered as a portion of a building used for human occupancy with respect to this regulation.
- 3. No accessory dwelling unit shall be located in a basement unless one wall opens to grade;
- 4. A detached accessory dwelling unit may only be located in detached garages or barns. A detached accessory dwelling unit may be located in an existing garage or barn structure that meets a minimum fifteen (15') foot side and rear setback and the minimum front yard setback required for any building used for human occupancy in the district where such building is located. A new detached garage or barn structure with a proposed accessory dwelling unit must meet the required setbacks of the district. The living area of the accessory dwelling unit shall not diminish the useable area of an existing garage or barn, nor exceed the ground level gross floor area of such existing garage or barn.

F. MISCELLANEOUS - The accessory dwelling unit shall comply with the following:

1. A detached accessory dwelling unit shall be a minimum size of 400 square feet but shall not exceed 850 square feet. An attached accessory dwelling unit shall be a minimum of 400 square feet but shall not exceed 850 square feet, or 30% of the combined assessed living area of the principal use and the accessory dwelling unit, whichever is less;
2. Have a maximum of *one (1) bedroom*;
3. Be self-contained, with separate cooking, sanitary, and sleeping facilities for the exclusive use of the occupant(s);
4. When located as part of the principal dwelling an accessory dwelling unit and the principal dwelling shall be separated by at least one wall that is common to the interior of both dwellings. A door providing interior access between the accessory and principal dwelling units must be provided, except that in the Rural Residence-Multifamily District (RUM) an interior door is optional and shall not be required.
5. Except as permitted in section Article III, Table III-2 of these Regulations, only one accessory dwelling unit shall be permitted for each lot and no accessory dwelling unit shall be approved as part of a two -family dwelling or any multiple dwelling use;
6. In the case of an accessory dwelling unit in a residential Zoning District, the owner of the property shall occupy either the principal dwelling unit or the accessory dwelling unit;
7. Both the accessory dwelling unit and the principal building/unit shall meet the requirements of the Building and Public Health Codes;
8. Upon establishment of the accessory dwelling unit, the building shall maintain the exterior appearance and style (roof line, roof pitch, building materials, window style and spacing, etc.) of the principal building;
9. Upon establishment of the accessory dwelling unit, the building shall have any secondary entrance incorporated into the principal use to reflect the architectural style of the existing structure;
10. No family dwelling may be used for the renting of rooms to transients (that is, persons residing on the premises for less than thirty (30) consecutive days).

G. PROCEDURES - SUBMISSION OF APPLICATION.

1. An application for Site Plan Review for an accessory dwelling unit , where required under this section shall be made pursuant to Article I, Section 114 B. of these Regulations. Prior to the granting of an approval under this Section, a notarized affidavit to verify that the owner of the property (if in a residential district) is one of the occupants of the subject dwelling shall be submitted to the Commission;

2. No certificate of occupancy shall be issued for a building or use pursuant to this Section 711 without certification in writing from the Zoning Enforcement Agent, the Town Sanitarian, the Town Building Inspector, and the Town Fire Marshal that the building or use is in conformity with the requirements of these zoning regulations and the Public Health, Building, and Fire Code requirements. A copy of the approval containing the condition that the owner is one of the occupants shall be filed on the land records by the owner;

3. Upon change in ownership of the property, the Zoning Enforcement Officer may require an updated affidavit by at least one natural person who is an owner of record of the property indicating that an owner of the property is one of the occupants of the subject dwelling.

Section 712 – Apartments in Commercial Buildings

A. PURPOSE. The purpose of this section is to allow private property owners to create housing alternatives in the form of apartments within commercial buildings. Apartments, as permitted in this section, represent a method of increasing residential densities in established commercial areas and particularly in village centers and key development nodes without negatively impacting established community character.

B. DISTRICTS. An apartment shall be permitted via a site plan review per Article I, Section 114 of these regulations in the following districts: Essex Village District (EV), the Business District and the Commercial District (C). Where these districts are superimposed by other districts in the Town of Essex, and unless expressly prohibited in these overlay districts, apartments shall be permitted in these districts.

C. DEFINITIONS. The following terms and words shall have the meaning hereto assigned to them;

1. APARTMENT. A dwelling unit on the same premises of a commercial use. An apartment shall not be accessory to any commercial use on the same premises unless it is approved as per Article III, Table III-2.

2. LIVING AREA. The area of a dwelling designed for human occupancy other than area set aside for other uses such as storage and basement areas.

D. REQUIRED LOT CHARACTERISTICS.

1. The lot shall conform to the minimum lot width and area requirement for the zone in which the property is located or be legally nonconforming.

2. New construction for apartments, whether detached from principal structure or involving structural additions or modifications to the principal structure, must conform to all regulatory setbacks and coverage requirements of these regulations.

3. Parking and access from the public right-of-way shall serve both a principal use and the apartment(s).

4. No additional curb cut shall be created to serve an apartment;
5. Adequate off -street parking as required by these Regulations shall be provided for both uses and such parking shall not be located in the front yard setback area;
6. Where practicable, parking areas for the apartment shall be located to the rear of the principal building.

E. APARTMENT CHARACTERISTICS

1. Within development nodes, where any portion of an existing building has been used for a commercial activity, apartments may be located on upper floors or to the rear of street-front uses provided that the conversion shall not increase any nonconforming characteristic.
2. An apartment shall be a minimum size of 400 square feet but shall not exceed 850 square feet.
3. There are no more than four (4) apartments allowed in any one building on a lot.
4. A minimum of 50% of the gross floor area of the building shall be used for commercial purposes. A minimum floor space of 33% of the gross floor area of a building shall be used for commercial purposes for properties in a Commercial district.
5. No apartment shall be located in a basement unless one wall opens to grade;

F. MISCELLANEOUS

The apartment(s) shall conform to the following:

1. An apartment shall have a maximum of two (2) bedrooms;
2. Be self-contained, with separate cooking, sanitary, and sleeping facilities for the exclusive use of the occupant(s);
3. Except as permitted in section 80A.2.U of these regulations, the number of apartments shall be limited by the Public Health Code, Building Code and the Fire Marshal's Office.
4. Commercial buildings where apartments are proposed, both principal and accessory, shall meet the requirements of the Public Health Code, Building, and the Fire Marshal's Office.
5. Upon establishment of the apartment(s), the building shall maintain the exterior appearance and style (roof line, roof pitch, building materials, window style and spacing, etc.) of the principal building;

6. Upon establishment of the apartment(s), if needed, the building shall have any secondary entrance incorporated into the principal use to reflect the architectural style of the existing structure;

7. No commercial dwelling may be purposely used for the renting of rooms to transients (that is, persons residing on the premises for less than thirty (30) consecutive days).

G. PROCEDURES - SUBMISSION OF APPLICATION.

1. An application for Site Plan Review for an apartment or apartments under this section shall be made pursuant to Article I, Section 114 (including the Appendix "A" Application Checklist) of these regulations.

2. No certificate of occupancy shall be issued for a building or use pursuant to this Section 45-1 without certification in writing from the Zoning Enforcement Agent, the Town Sanitarian, the Town Building Inspector, and the Town Fire Marshal that the building or use is in conformity with the requirements of these zoning regulations and the Public Health, Building, and Fire Code requirements.

Section 713 - Residential Life Care District

A. A Residential Life Care Facility within the Residential Life Care District shall be:

1. An integrated facility, which shall provide all of the following:

1.1. One or more residential dwelling units for life use

1.2. A Life Care Health Center licensed by the State of Connecticut under Section 19-13-D 8t of the Public Health Code of the State of Connecticut which may also include domiciliary beds which are licensed by the State of Connecticut under Section 19-13-D6 of said code, and which provides skilled nursing services primarily for residents of the dwelling units and may include medical service personnel support areas such as offices, lounges and dining facilities.

1.3. A common area containing meeting rooms, dining rooms and central kitchen, recreational rooms or areas for the use of residents of such facility and their guests, and offices used for the management and operation of the facility.

2. Residency and/or occupancy in said Life Care Facility shall be restricted to persons sixty-two (62) years of age or older, except that in the event of a married couple, one spouse may be younger than sixty two (62) years of age.

3. Said facility may also include as an accessory use in the common area, a bank, general store, beauty shop and laundry for use of the residents only.

4. In no event shall any such facility contain more than 212 family dwelling units

B. REQUIRED CONDITIONS. In addition to the conditions set forth in Article I, Section 115 C.2., the parcel of land and buildings involved in a Life Care Facility shall conform to the following conditions.

1. The applicant shall demonstrate that its Life Care Facility provides an integrated plan conforming to the requirements set forth in Section 713 A.
2. Where the Special Exception application includes a subdivision or resubdivision as defined in the Essex Subdivision Regulations, the applicant shall furnish any or all of the information required for the approval of a subdivision under the Subdivision Regulations of the Town of Essex, and shall be sent to the Planning Commission for review no less than thirty days prior to the public hearing for Special Exception.
3. Off-street parking spaces shall be provided at a minimum of one space per dwelling unit, point (0.5) five space per patient sleeping accommodation in the Life Care Health Center and one space per employee or staff member on the largest shift.
4. The application shall conform to applicable provisions of Section 703 of these regulations.
5. In addition to bonding required by these Regulations, the Commission may require the applicant to pay to the Town of Essex the costs of inspections required by the Zoning Commission or its agent.

Section 714 - Essex Village District

A. SPECIAL PROVISION RELATING TO MULTIPLE BUILDINGS AND MULTIPLE USES IN ESSEX VILLAGE DISTRICT. When allowed by special exception granted by the Commission under Article I, Section 115 C.2. above, any one or more Special Principal Uses permitted in this District may be combined on the same lot with a single one-family dwelling, whether in the same or different buildings thereon, whether or not Article IV, Section 407 A.2.-3. otherwise provides.

B. EXISTING BUSINESSES. Any “Village Business Use” occupying a portion of a building within the Essex Village District, which use was actually in existence on January 1, 1981, may, without the authorization of a special exception required in Article I, Section 115 C., be expanded to occupy other portions of said building provided that:

1. VILLAGE BUSINESS USE. The other portions to be so occupied existed and were actually in use on the date referred to above for any Village Business Use and have not since said date been used for a use described as:

- 1.1. One family dwellings; and
- 1.2. A customary home occupation, as set forth in Article VIII, Section H.5.

3. OTHER REQUIREMENTS. Such use as so expanded meets all other requirements of these Regulations including any additional provision for Off-Street Parking and Truck Loading Space required for such use as so expanded.

4. For purposes of Section 714 B., the term “Village Business Use” shall mean any use described as:

4.1. A professional business offices and financial institutions but not to include check cashing establishments;

4.2. Barber shops, beauty shops, nail salons and similar service establishments but not to include tattoo parlors

Section 715 - Performance Standards in All Districts

A. **BEST MANAGEMENT PRACTICES.** All new applications, excluding residential uses, shall include a Best Management Practices Plan for the use and storage of hazardous materials that are used on the site that meet current federal, state and local standards. In addition, the applicant shall provide an Incident Action Plan that will be utilized in the case of an accidental spill or other adverse environmental incident. Plans shall be approved by the appropriate authority.

B. **ADDITIONAL CONDITIONS.** For applications reviewed by the Commission, as the Commission may require other reasonable conditions as the Commission may deem necessary or appropriate to impose for the purpose of preventing or diminishing:

1. any adverse effect of the use, land, or improvements to be authorized, upon the health, safety, and welfare of the Community,

2. Any undue annoyance or disturbance of the occupants of premises in the general neighborhood of such use, land or improvements, and

3. any impairment of the suitability of such use, land or improvements for the General Principal Uses permitted in the district thereof under these Regulations and predominantly existing therein.

Section 716 - Minimum Conditions of Approval within B, L.I., C., Des M.I., M.I. Districts

A. **MINIMUM CONDITIONS OF APPROVAL.** Each use shall conform to the following special conditions in addition to conditions listed elsewhere within these Regulations for applications reviewed by the Commission:

1. **GENERAL.** No land or buildings shall be used for any purpose that fails to meet the following criteria:

1.1. The use shall be carried on in such a manner and with such precautions against fire and explosion hazards as to produce no serious exposure hazard to adjacent property, and the storage of all flammable or explosive materials shall be in a manner approved by the fire marshal.

1.2. The use shall emit no offensive odors perceptible from any property line of the lot on which the operation is located, and shall emit no noxious, toxic, or corrosive fumes or gases;

1.3. All buildings shall conform to all applicable building and safety codes.

2. ODOR, DUST AND SMOKE. No such emissions shall be discernible beyond the property line or, in the case of multiple uses of the property, beyond one hundred feet of the building generating the emission, except that in no case shall the discharge from any source exceed the following limits:

2.1. Smoke measured at the point of discharge into the air shall not exceed a density of No. 1 on the Ringlemen Smoke Chart as published by the U.S. Bureau of Mines, except that a smoke of a density not darker than No. 2 on the Ringlemen Chart may be emitted for not more than three minutes in any one hour;

2.2. Lime dust, as calcium oxide, measured at the property line of any lot on which the activity creates such dust shall not exceed 10 micrograms per cubic meter of air;

2.3. Total particulate matter measured at all stacks or other points of emission to the air shall not exceed 30 grams per hour per acre of land included in the lot;

2.4. All measurements of air pollution shall be by procedures and equipment which shall be of the latest generally recognized development and design readily available;

2.5. No open burning will be permitted.

3. NOISE LEVELS.

3.1. No noise, due to volume, intermittence, beat frequency, or shrillness, shall be emitted beyond the boundary of the property where it originates that exceeds the noise level regulation standards adopted by the Connecticut Department of Environmental Protection, pursuant to Section 22a-69 of the Connecticut General Statutes, as the same may, from time to time, be amended.

3.2. Noise making devices, which are maintained and are utilized strictly to serve as warning devices, are excluded from these Regulations.

4. HEAT, GLARE, VIBRATION, AND RADIATION. No heat, glare, or vibration shall be discernible without instruments from the outside of any structure, and no nuclear radiation shall be discernible from the outside of the structure with or without instruments.

5. EXTERIOR LIGHTING. No exterior lighting shall shine on adjacent properties or toward any street.

6. STORAGE.

6.1. All materials, supplies, and equipment shall be stored within the structure in accordance with Fire Prevention Standards of the National Fire Protection Association or shall be screened from view from public ways or abutting properties.

6.2. STORAGE AREAS. Storage areas for materials, supplies and products shall not be located in the front of the building and, before commencing any such use of such building or enlargement, all such areas shall be screened by planting, landscaping, or fencing.

7. LOADING AND UNLOADING AREAS. Loading and unloading platforms shall be located at the rear of the building, and before commencing any use of such building or enlargement, areas used for loading and unloading shall be screened from adjacent roads and properties by planting, landscaping, or fencing. See Section 602 I.

B. CONDITIONS NOT APPLICABLE IN THE CASE OF EXISTING INDUSTRIAL BUILDINGS. Any building existing on November 1, 2006, which was previously designed, built or used for a use permitted in a Limited Industrial district may be used for such use without compliance with the conditions specified in Article VI, Section 604 and Article VII 716 A.6-7.

C. CONDITIONS NOT APPLICABLE IN THE CASE OF EXISTING INDUSTRIAL BUILDINGS. Any building existing on February 1, 1992, which was previously designed, built or used for a use permitted in a Municipal and Industrial Service Zone may be used for such use without compliance with the conditions specified in Article VI, Section 606, 610 and 610.

D. CONDITIONS NOT APPLICABLE IN THE CASE OF EXISTING INDUSTRIAL BUILDINGS. Any building existing on November 1, 2006, which was previously designed, built or used for a use permitted in a Limited Industrial district may be used for such use without compliance with the conditions specified in Article VI, Section 604, Section Article VII 716 A.6-7.

E. CONDITIONS OF GENERAL PRINCIPAL USES; CONDITIONS RELATING TO BUILDINGS; CONDITIONS NOT APPLICABLE IN THE CASE OF EXISTING INDUSTRIAL BUILDINGS; REQUIRED CHARACTERISTICS.

1. The provisions of Section 716 are hereby included by reference.

2. MULTIPLE USES. No building intended or used for two or more principal uses shall be built, placed, or used on any land unless the required Lot Area is provided for each such principal use, except that, in determining required Lot Area, two or more principal uses as set forth on Article III, Table III-2 within an existing single building or within more than one existing building within a single existing complex of buildings located on one parcel or contiguous parcels shall be considered a single use. See Article IV, Section 407.A.

Section 717 - Home Animal Agriculture

A. For the purpose of this section, animals shall be described as follows:

1. Small animal: A chicken, (excluding roosters), a duck, goose, turkey, or a rabbit, as well as similar animals as determined by the zoning enforcement officer.

2. Medium animal: A goat, pig or swine, sheep, llama or alpaca, emus, as well as similar animals as determined by the zoning enforcement officer.

3. Large animal: A cow, horse, mule or donkey, as well as similar animals as determined by the zoning enforcement officer.

B. Standards for Small Animals

1. Home animal agriculture for small animals is permitted as an accessory use in RU, RUM, RRR and RLC Districts on lots of ½ acre or more subject to the following:

1.1. On a lot containing at least ½ acre, a maximum of fifteen (15) caged or cooped small animals or 5 free-range small animals may be kept.

1.2. For each additional ½ acre over the first 1/2 acre, fifteen (15) caged or cooped small animals or 5 free-range small animals may be kept.

1.3. No more than fifty (50) small animals may be kept on any lot.

1.4. Suitable enclosures shall be provided to restrict the animals to the property. Cages and coops must be placed no closer than ten feet from rear and side property lines.

C. Standards for Medium and Large Animals

1. Home agriculture for medium and large animals, except for pigs, and including roosters, is permitted as an accessory use in RU, RUM, RRR and RLC Districts on lots of two (2) acres or more in size and subject to the following:

1.1. On a lot containing at least two (2) acres, a maximum of one large animal or two medium animals may be kept.

1.2. For each additional 1/2 acre over the first 2 acres, one large animal or two medium animals may be kept.

1.3. Small animals may be kept in conjunction with medium and large animals providing that there shall be no more than fifty (50) such animals.

1.4. Buildings for housing medium and large animals shall be located at least 100 feet from any property line.

1.5. Manure piles shall be located at least 100 feet from any property line and screened from abutting properties.

1.6. The keeping of any pigs or swine is prohibited less than three hundred (300) feet from a property line and on a lot of less than five (5) acres.

D. Best Practices for State Department of Agriculture

1. Comply with applicable regulations and practices as issued by the CT State Department of Agriculture.

Article VIII - Definitions

DEFINITIONS. For the purpose of these Regulations, the following terms and words shall have the meaning hereto assigned to them. The singular number includes the plural and the plural includes the singular; words used in the present tense include the future; the word “lot” includes “plot” or “parcel”; “he” includes “he” or “she;” the word “person” includes “corporation,” “limited liability company,” “partnership,” or any other similar entity, as well as an individual; the word “used” or “occupied” includes “designed,” “arranged,” or intended to be “used” or intended to be occupied; the word “district” includes “zone.” The word “shall” is always mandatory when applied to an applicant but directory when applied to the Commission or its agents.

A.

1. ACT. Connecticut Public Act 73-349
2. ABUTTING LOT. Any property that makes contact with another along a property line or is located across a roadway and is within one hundred (100) feet of a property line. Same as “Adjacent” or “adjoining.”
3. ACCESSORY APARTMENT: See Section 711.
4. ACCESSORY DWELLING UNIT. See “Dwelling Unit, Accessory” Section 711.
5. ACCESSORY IMPROVEMENT. Any improvement which is secondary, subordinate and customarily incidental to the principal improvement on the same premises;
6. ACCESSORY USE. Any use or building which is secondary, subordinate and customarily incidental to the principal use or building on the same lot;
7. ACCESSORY STRUCTURE. A structure, as defined below, which is secondary and customarily incidental to a principal use on a property.
8. ACCESS WAY. The required frontage of a rear lot or lots in accordance with the Subdivision Regulations.
9. ACTIVE ADULT COMMUNITY. See Section 402 C.1.3.
10. ADJACENT LOT. – Same as A.1. above
11. ADJOINING LOT. – Same as A.1. above
12. ADULT USE DEFINITIONS. “
 - (i) “Adult entertainment business” shall mean any establishment which is

customarily not open to the public generally but only to one or more classes of the public, thereby excluding any minor by reason of age. These include, but are not limited to, one or a combination of the following types of businesses: adult amusement machine, adult arcade, adult bookstore, adult cabaret, adult entertainment enterprise, adult machine, adult motion picture theater, adult novelty business, adult-oriented establishment, adult personal service business;

(ii) “Adult amusement machine” shall mean any amusement machine that is regularly used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, as defined below, for observation by patrons therein;

(iii) “Adult arcade” means any establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons, each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;

(iv) “Adult bookstore” means an establishment which has as a principal activity the sale of books, magazines, newspapers, periodicals or other printed matter or photographs, videotapes, video discs and motion picture films, slides, or other photographic reproductions which are characterized by their emphasis on portrayals of human genitals and pubic areas or acts of human masturbation, sexual intercourse or sodomy or any other “specified sexual activity” or “specified anatomical area”, as defined below, or devices or paraphernalia that are designed for use in connection with “specified sexual activities” defined below;

(v) “Adult cabaret” means a cabaret which features nude and/or partially nude dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers and which excludes minors by virtue of age;

(vi) “Adult entertainment enterprise” means any exhibition of any motion pictures, video tapes, live performances, displays or dances of any type, which have as a significant or substantial portion of such performances any actual or simulated performance of “specified sexual activities” or exhibition and viewing of “specified anatomical areas” defined below;

(vii) “Adult Amusement machine” means any machine which upon the payment of a charge or upon the insertion of a coin, slug, token, plate or disk, may be operated by the public for use as a game, entertainment or amusement, whether or not registering a score and whether or not electronically operated;

(viii) “Adult motion picture theater” means any establishment having as a principal activity displaying motion pictures, video cassettes, slides or other photographic reproductions characterized by their emphasis on portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse, or sodomy for observation by patrons therein and from which minors are excluded by virtue of age;

(ix) “Adult novelty business” means a business which has as a principal activity the sale of devices of simulated human genitals or devices designed for sexual stimulation and which excludes minors by virtue of age;

(x) “Adult-oriented establishment” means any premises to which the public, patrons, or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult entertainment, when such establishment is operated or maintained for a profit, direct or indirect;

(xi) “Adult personal service business” means a business having as a principal activity a person, while nude or partially nude providing personal services for a person of the same or other sex on an individual basis in an open or closed room and which excludes minors by virtue of age. It includes, but is not limited to, the following activities: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Connecticut;

(xii) “Partially nude” means having any or all of the following bodily parts exposed: buttocks, genitals, pubic area, or female breasts;

(xiii) “Specified anatomical areas” means less than completely or opaquely covered: (a) human genitals and pubic region; (b) buttocks; (c) female breasts below a point immediately above the top of the areola; and (d) human male genitals in a discernibly turgid state even if completely opaquely covered;

(xiv) “Specified sexual activities” means: (a) human genitals in a state of sexual stimulation or arousal; (b) acts of human masturbation, sexual intercourse, or sodomy; (c) fondling or erotic touching of human genitals, pubic region, buttock or female breasts;

(xv) “Specified anatomical areas” and “specified sexual activities” as used in these Regulations do not include materials depicted in any medical publications, or films, in any bona fide educational publications or films, in any art or photography publications which devote at least 25 percent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography, in any news periodical which reports or describes current events an which, from time to time, publishes photographs of nude or semi-nude persons in connection with the dissemination of news, or in publications or films which describe and report different cultures which, from time to time, publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population;

(xvi) “Principal adult activity” means an adult entertainment business use accounting for more than 10 percent of a business’ gross revenues, stock in trade, display space, floor space, or movie display time per month.

13. ALCOHOLIC BEVERAGE. All spirituous and intoxicating liquors, as defined in the General Statutes of the State of Connecticut, Revision of 1958, as amendedAlter, Alteration. As applied to a building or structure, means a change or rearrangement in the structural parts thereof, the movement of all or any part thereof, or the substantial reconstruction thereof, so as to produce a substantial change in appearance, character, or construction; also means an enlargement, whether by increasing in height, coverage, volume or floor area. As applied to a use, means a change or enlargement in the character, area occupied by, intensity, or scope of the use, including, but not limited to, the extension of hours of operation, the addition of other activities, equipment, functions, or processes, or the extension into additional land or building area.

14. ATTIC. The space between the ceiling beams of the top story and the roof rafters.

15. AUTOMOBILE SERVICE STATION. A service station, filling station, store, garage or other place of business for the sale of gasoline or other fuel products intended for use in the propelling of motor vehicles using combustion or other type engines; the sale, rental, or service and repair of gasoline or electric powered home garden and lawn equipment shall be considered a use which is accessory to the principal use of an automobile service station;

16. AWNING(S).

B.

1. BARN. A building used primarily to house livestock, or intended for such use, but not used for human habitation;

2. BASE FLOOD. The flood having a one percent chance of being equaled or exceeded in any given year;

3. BASE FLOOD ELEVATION (BFE). The particular elevation of the base flood, referenced to mean sea level, as specified on the Flood Insurance Rate Map for Zone A1-A30;

4. BASEMENT. Basement means any area of the building having its floor sub-grade (below ground level) on all sides, but may include a “walk-out” area or side;

5.

6. BOARDING HOUSE. A single-family dwelling in which the resident owner grants or offers to grant for hire two or more individual sleeping accommodations, with or without meals, to persons who are not members of the family of the resident owner;

7. BREWERY FACILITY: A use involving the on-site production of beer or hard cider which may include, as an accessory use, sale for on- or off-premises consumption by the general public.

8. BOKUM CENTER (Key Node) DISTRICT: An area of town defined and as shown within the Plan of Conservation and Development prepared by the Town of Essex Planning Commission adopted November 12, 2015, or as amended.

9. BUILDABLE LAND. Buildable Land shall mean all land that is not inland or tidal wetlands or watercourses as defined in Sections 22a-29 and 22a-38 C.G.S., or slopes with an incline of 20% or greater; not to include easements, rights-of-way or other encumbrances that prevent development of the land subject to such encumbrance(s).

10. BUILDING. Any improvement having a roof and intended for the shelter, housing or enclosure of persons, animals, or materials. Any other improvement more than 8 feet high shall be considered as a building, including a solid fence or wall, but excluding trees, shrubs and utility transmission towers, or an electric light, telephone or telegraph pole, highway or railroad bridge or flagpole; also considered as a building shall be anything located on, above, or beneath the water which is not primarily utilized or intended for navigation. A deck shall have 100% of its surface area used in computing maximum building coverage. Decks shall be required to meet all applicable setback requirements for the zoning district in which they are located.

11. BUILDING AREA. The ground area enclosed by the walls of a building, together with the area of all porches and other roofed or walled portions of the building; See Article V, Section 503.

12. BUILDING CODE. The provisions of Chapter 354 of the Connecticut General Statutes (Rev. 1958) and any State or local regulations adopted pursuant thereto and in force in the Town, as the same may from time to time be amended;

13. BUILDING COVERAGE. See "Coverage, Building."

14. BUILDING HEIGHT. The vertical distance between a horizontal plane at the highest point of a building or structure, excluding chimneys and cupolas of no more than 10 square feet (each shall not exceed 45 feet in building height), and lowest point of a building or structure which is visible above existing natural grade prior to site grading. Fences and freestanding walls shall not exceed 8 feet in height.

15. BUILDING LINE. A line parallel to a street at distance equal to the required setback from the street line or at a greater distance when otherwise legally established by the Town or by private covenant;

17. BUSINESS OFFICE: The office of recognized businesses such as consultants, accountants, marketing and advertisers, financial institutions, insurance agents, real estate agents, utilities, sales offices, and others who perform services of a business nature.

C.

1. CASUALTY. Property loss caused by fire, vehicular collision, or natural disaster such as high winds, lightning, space debris, heavy snow or flooding.

2. CELLULAR TELECOMMUNICATIONS FACILITY. Consists of 1) a building not

used for human occupancy which will contain mobile radio telephone transmitting, receiving and related equipment, and 2) antennae attached to an existing structure and connecting cables necessary to permit the broadcasting of mobile two-way radio telephone communications.

3. CENTERBROOK (Key Node) DISTRICT – An area of town defined and as shown within the Plan of Conservation and Development prepared by the Town of Essex Planning Commission adopted November 12, 2015, or as amended.

4. CENTER LINE OF A STREET. The line which may be drawn through all the points which are equidistant from the boundary lines of property on each side of the street or, if there are no such property lines on each side of a street, the center of the paved travel surface;

5. CLUB. An association of persons which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, fraternal, religious, political or athletic purpose, whose facilities and activities are confined to the members thereof and their guests and are not extended to the general public; but such term does not include any such association or establishment organized or operated for profit or the principal activity of which is a service customarily carried on as a business enterprise;

6. COASTAL JURISDICTIONAL LINE. The location of the topographical elevation of the highest predicted tide for the period beginning in 1983 and ending in 2001, referenced to the most recent National Tidal Datum Epoch as published by the National Oceanic and Atmospheric Administration and described in terms of feet of elevation above the North American Vertical Datum of 1988.

7. COMMERCIAL CUTTING. Any cutting or removal of forest tree species which is not covered under the definition of noncommercial cutting;

8. COMMERCIAL CUTTING PLAN. A plan showing the applicant's property and the abutting property owners, a description of the activity to be undertaken, and a certification by a public or consulting forester that the plan is consistent with the "Minimum Standards for Cutting Timber" set forth in Appendix A of the Standards of the Connecticut River Gateway Commission.

9. COMMISSION. The Essex Zoning Commission;

10. CONNECTICUT RIVER. Those portions of the Connecticut River or any of its tributaries or associated wetlands located within the Conservation Zone.

11. CONSERVATION ZONE. That area along the lower Connecticut River defined in Section 22a-102c of the Connecticut General Statutes in which the Connecticut River Gateway Commission is charged with the protection of the "natural and traditional riverway scene."

12. CONVALESCENT HOME. Also nursing home, rest home, convalescent hospital, special service nursing home, personal care home, residential care home, home for the

aged, boarding home for the aged, and similar titles, but not including use as a hospital, clinic, diagnostic or treatment center. The facility must be constructed with the intent of complying with State regulations for the licensing of institutions;

13. COST. As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not limited to, the costs of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos

14. COVERAGE, BUILDING. The percentage which the aggregate area of all buildings or roof areas on a parcel as measured along the outside wall at ground level bears to the total area of that parcel. See Appendix C Figure C-2.

15. COVERAGE, IMPERVIOUS: The total area of the parcel covered by impervious surfaces. See Appendix C, Figure C-3.

D.

1. DECK. A structural improvement elevated above the surface of the ground, not having a roof, and attached to a building. Compare to "Patio," and see "Building.

2. DETACHED ACCESSORY BUILDING. An accessory building which is not attached to the principal building by any covered porch, breezeway, or other roofed structure;

3. DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

4.

DEVELOPED AREA. Developed Area shall be defined by one of the following procedures: (a) An area adjacent to the Connecticut River or its tributaries and associated wetlands which has within the 50-foot Riparian Area immediately landward of the Coastal Jurisdiction Line been characterized by buildings and construction of greater density than average in the Conservation Zone in such a manner so as to make the retention or replacement of vegetation impractical, infeasible, or inconsistent with the traditional riverway scene, and which has been or may be mapped and designated by the Commission as a Developed Area for the purposes of these standards, and approved by the Gateway Commission. Or (2) The 50-foot Riparian Area will also be considered as "Developed Area" if clearing or constructions have previously occurred in such a manner so as to make the retention or replacement of vegetation within said 50-foot riparian area impractical, infeasible or inconsistent with the traditional riverway scene, as determined by Zoning Commission for the

purposes of these Standards in the context of a pending land use application, and approved by the Gateway Commission prior to the approval of such application.

5. DISTRICT. A district established by the provisions of Article I of these regulations as the same may from time to time be amended;

6. DISTURBED AREA: An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

7. DOG GROOMING FACILITY. Any place, other than a commercial dog kennel, maintained as a business where grooming of dogs is conducted;

8. DOG KENNEL. The business of keeping or breeding a pack or collection of dogs under one ownership or occupancy for show, sport or sale;

9. DOG KENNEL COMMERCIAL. The business of boarding and/or grooming dogs;

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10. DOG TRAINING FACILITY. Any place, other than a dog kennel, maintained as a business where the training of dogs is conducted;

11. DRIVEWAY. A roadway used solely for access to one principal building or use, or multiple uses and buildings where authorized by these Regulations, and any accessory uses or buildings, which access is by the occupants thereof and their guests and invitees, which roadway is located wholly upon the lot of the building which it serves or upon an easement of access;

12. DWELLING. A building used solely as a residence; DWELLING, FAMILY UNIT: A physical area of a dwelling within which a family dwells separately from any other family;

13. DWELLING UNIT, ACCESSORY. An accessory dwelling unit may be deemed under these regulations as a leased or rented dwelling whether or not there is compensation and shall include a separate kitchen and bathroom facility. See Article VII, Section 711.

14. DWELLING, ONE FAMILY. A detached dwelling used by one family only;

15. DWELLING, TWO-FAMILY. A detached dwelling containing two Family Unit Dwellings.

16. DWELLING, MULTI-FAMILY. A building which contains two or more family dwelling units; multiple dwelling does not include a college dormitory, convent, hospital, sanitarium, convalescent home, correctional institution, hotel, motel, boarding house, tourist establishment or tourist cabin or other building used as a place where sleeping accommodations are offered for a price to transient guests

17. DWELLING, MULTI-FAMILY PROJECT. Two or more buildings on one lot, each of which contains two or more family dwelling units; multiple dwelling projects include row dwellings on one lot but do not include a college dormitory, convent, hospital,

sanitarium, convalescent home, correctional institution, hotel, motel, boarding house, tourist establishment or tourist cabin or other building used as a place where sleeping accommodations are offered for a price to transient guests

E.

1. EARTH PRODUCTS. Any material geologically formed through natural processes and existing in the upper layer of the earth's surface including, but not limited to topsoil, loam, peat, peat humus, peat moss, sand, gravel, clay, stone, bedrock and all forms, compositions and mixture thereof;

2. ELEVATED BUILDING-A AND A1-30 ZONES: A building without a basement built to have the top of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls or by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

3. ENLARGE, TO MAKE AN ENLAREMENT: Enlargement, or to Enlarge. Any addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. "To enlarge" is to make an enlargement.

4. EROSION: The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

5. EROSION AND SEDIMENTATION CONTROL PLAN. A plan which sets forth measures to be undertaken for the control of erosion and sedimentation.

6. ESSEX VILLAGE (Key Node) DISTRICT - An area of town defined and as shown within the Plan of Conservation and Development prepared by the Town of Essex Planning Commission adopted November 12, 2015, or as amended.

7. EXISTING. A use, building, or structure existing on the effective date of these Regulations.

8. EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

F.

1. FAMILY. An individual dwelling alone or a group of individuals, dwelling together as a single housekeeping unit, provided that such group consists only of (a) any number of individuals related by blood, marriage or adoption, or (b) not more than four unrelated individuals. A group in which any one or more members do not use, in common with all other members, all kitchen and dining facilities shall not be considered as dwelling together as a single housekeeping unit;

2. FAMILY DAY CARE HOME: a facility that is located in a single family dwelling caring for no more than six (6) children, including the provider's own children not in school full time and as also defined in CT General Statutes Section 19a-77, as amended.
3. FARM. A tract or tracts of land used principally for agriculture, including farm buildings and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoopouses and other temporary structures or other structures used primarily for the raising and, accessory to ordinary farming operations, the sale of agricultural or horticultural commodities.
4. FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA"): The federal agency that administers the National Flood Insurance Program (NFIP).
5. FINISHED LIVING SPACE: Finished living space can include, but is not limited to, a space that is heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace. A fully enclosed area below the base flood elevation (BFE) shall not have finished living space and shall to be designed for exposure to flood forces. These spaces can only be used for parking, building access or limited storage.
6. FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from (a) the overflow of inland or tidal waters and/or (b) the unusual and rapid accumulation or runoff of surface waters from any source.
7. FLOOD BOUNDARY AND FLOODWAY MAP: The official map on which the Federal Emergency Management Agency has delineated the boundaries of the floodway.
8. FLOOD FRINGE: The Flood fringe is that area between the Floodway and the out limits of the 100-year floodplain (special flood hazard area) within zones A and AE. It thus encompasses the portion of the Flood Plain District which can be encroached upon without raising the water surface elevation of the base flood more than one foot.
9. FLOOD INSURANCE RATE MAP ("FIRM"): An official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones.
10. FLOOD INSURANCE STUDY ("FIS"): The official report from the Federal Emergency Management Agency ("FEMA") which contains examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations.
11. FLOOD PLAIN. Any land area susceptible to being inundated by flood waters from any source.
12. FLOODPROOFING: Any combination of structural and non-structural additions,

changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents

13. FLOODWAY: The channel of a river, other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 foot anywhere in Town. For the purposes of these regulations, the term “Regulatory Floodway” is synonymous in meaning with the term “Floodway.”

14. FLOOR AREA, GROSS: The sum of the gross area of all floors in a structure, measured from the exterior faces of exterior walls. Gross floor area includes any area which is capable of being used for human occupancy, including garage or attic space, whether finished or not, provided the area has a structural headroom of at least six (6) feet. A basement or first floor which is located entirely below ground surface will not be included in total floor area calculations.

15. FLOOR AREA, LIVING. The area of a family dwelling designed for human occupancy other than area set aside for other uses such as attic, garage, storage and basement areas.

16. FLOOR AREA, PUBLIC: The aggregate floor area of a building that is open to the general public, such as customers, clients, patrons, business invitees.

17. FOOD SERVICE SHOP. A place of business where food prepared on the premises is offered to patrons for off-premises consumption; On-premises consumption may occur as long as said use is clearly subordinate to the off-premises consumption. Seating shall be limited to 20% of the public floor area;

18. FUNCTIONALLY DEPENDENT USE OR FACILITY: A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

G.

1. GRADE, EXISTING. The ground level topography existing on the effective date of these Regulations.

2. GRADE, FINISHED. The finished ground level topography adjoining the base of all exterior walls of a building or structure and any related earth retaining structure.

3. HIGHEST ADJACENT GRADE (“HAG”): The highest natural elevation of the ground surface prior to construction or grading next to the proposed walls of a structure.

4. GRADING: Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

H.

1. HAZARDOUS MATERIALS – Any substance or combination of substances which, because of quantity, concentration or physical, chemical, or infectious characteristics, pose a significant present or potential hazardous to water supplies or to human health if disposed into or on any land or water within the Town of Essex. Any substance deemed a “hazardous waste under Section 3001 of the Resource Conservation and Recovery Act of 1976, 40 CFR Part 261, or as amended, shall be deemed a hazardous material for purposes of these regulations.

2. HEIGHT. See “Building Height.”.

3. HIGH TIDE LINE. A line or mark left upon tide flats, beaches, or along shore objects that indicates the intersection of the land with the water's surface at the maximum height reached by a rising tide.

4. HISTORIC STRUCTURE: Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) by an approved state program as determined by the Secretary of the Interior or

(2) directly by the Secretary of the Interior in states without approved programs

5. HOME BASED BUSINESS, MINOR – A Home Based Business located within a principal building and operated by the resident of the premises, which shall not have more than one (1) nonresident (of the premises) full or part time employee working on the premises. Minor Home Businesses are permitted in Residential Districts by a Zoning Permit subject to the standards of Article VII. A minimum of two (2) additional parking spaces are required for this use.

6. HUMAN OCCUPANCY. The use of an enclosed space having a means of egress, light, ventilation and access to sanitary facilities to house any person or persons for

the purpose of living, working or playing.

I.

1. IMPERVIOUS SURFACE. A surface that has compacted or is covered with a layer of material so that it is highly resistant to infiltration by water (has a percolation rate slower than 120 minutes per inch).
2. IMPROVEMENT. Any structural addition to, or other change in the condition of land including the underground installation of utility lines. The term “improvement” as used herein includes a swimming pool, signagetennis or other surfaced outdoor recreational court facility exceeding 10 square feet in area.
3. INSPECTION: The periodic review of site improvements, building construction and sediment and erosion control measures shown on the approved site, subdivision, landscaping and erosion and sediment control plans
4. IVORYTON VILLAGE (Key Node) DISTRICT - An area of town defined and as shown within the Plan of Conservation and Development prepared by the Town of Essex Planning Commission adopted November 12, 2015, or as amended.

J.

1. JOINT OWNER - A person, persons or entity that is listed on a property card as an “owner” or “co-owner” of a property.

K.

L.

1. LIFE CARE FACILITY: A special combination of housing, supportive services, personalized assistance, and health care designed to respond to individual needs of those who need help with activities of daily living due to advancing age or infirmity. Such a facility contains central kitchen, dining, recreational, and other facilities with separate bedrooms or living quarters, and supportive services. See Section 402.H.
2. LAND. The earth surface including the ground thereunder and any wetland or watercourse;
3. LEASE/RENTAL OCCUPANCY PERIOD: A period of time no less than thirty (30) continuous calendar days.
4. LOCAL AUTHORITY. The Zoning Commission of the Town of Essex.
5. LOT. A plot or parcel of land occupied, or capable of being occupied, in conformity with these Regulations by one principal building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by these Regulations. In the case of institutional or commercial buildings, a group of buildings under the same ownership may be considered as occupying the

same lot. Buildings in a multiple dwelling project shall be considered as occupying the same lot; The terms lot, plot and parcel have equal meaning and are interchangeable within these Regulations

6. LOT, CORNER. A lot at the intersection of and abutting on two or more streets where the angle of intersection is not more than 135 degrees or where the intersection is rounded by a curve having a radius of less than 100 feet;

7. LOT, REAR. A lot not having the required frontage on a public street and having access to the street via access way or strip of land that may be part of the rear lot, and where the building site is located to the rear of a front lot on the same street. Anything in these Regulations to the contrary notwithstanding, for the purpose of determining the required setbacks for a rear lot, all lot lines shall be considered side lot lines.

8. LOT, THROUGH. A lot other than a corner lot which abuts two or more streets which do not intersect at the lot;

9. LOT, MINIMUM WIDTH OF. The distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines, which line of measurement shall touch but not be in front of the building line. In the case of a corner lot, the minimum width shall be similarly measured and for the purpose of this measurement only, the front lot line which has the least dimension shall be considered the front lot line and the lot lines adjacent thereto shall be considered as side lot lines;

10. LOT LINE. The established division line between lots or between a lot and a roadway;

11. LOT LINE, FRONT. Any lot line between the lot and a roadway shall be considered a front lot line;

12. LOT LINE, REAR. Any lot line bounding the lot at a rear and approximately parallel to and at a maximum distance from the front lot line shall be considered a rear lot line;

13. LOT LINE REVISION. "Lot Line Revision" includes the moving of a lot line where no new lot is created and including the elimination of a lot line that results in a lot merger.

14. LOT LINE, SIDE. Any lot line not a front or rear lot line shall be considered a side lot line. Where two lot lines extending from the front lot line intersect, both such lot lines shall be considered side lot lines. In the case of a corner lot, all lot lines extending from the front lot lines shall be considered side lot lines;

15. LOWEST FLOOR: The lowest floor of An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such an area meets the design requirements of this regulation.

M.

1. MANUFACTURED HOME: A structure, transportable in one (1) or more sections,

which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property. Compare to "Recreational Vehicle" and "Mobile Home."

2. MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) before the effective date of the floodplain management regulations adopted by a community: August 28, 2008

3. MANUFACTURED HOME OR SUBDIVISION, NEW: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, August 28, 2008, of the floodplain management regulation adopted by the community

4. MANUFACTURED HOME PARK OR SUBDIVISION: A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

5. MARINA. Any waterfront business offering boat berths or moorings;

6. MARINE FACILITY. A dock, wharf, slip, basin, or similar landing facility for waterborne vessels and/or an open yard for the building, storing, repairing, servicing, or refueling of such vessels, together with any accessory buildings or other structures necessary for the operation of the foregoing.

7. MARINE, INLAND. Restricted to a rear lot, a facility dealing in the storage of, boats, boat trailers and RV's, the servicing, repairing, and winterizing of boats and boat trailers; and the brokering of sales boats and boats trailers. RV's on-site limited to not more than five (5) vehicles at any one time

8. MARITIME MUSEUM. A nonprofit institution devoted to the procurement, care and display of publications, materials and objects directly relating to maritime navigation and commerce and other human endeavors upon and under navigable waters, including educational workshops, meetings and lectures directly relating to such maritime subjects;

9. MARKET VALUE: Market value of the structure shall be determined by: The property's tax assessment, minus land value; or an independent appraisal by a professional appraiser at the owner's option.

10. MEAN HIGH WATER LINE. The average of high tides over a defined period.

11. MEAN SEA LEVEL (MSL): The North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

12. MEMBER TOWN. As designated by Chapter 477a, Section 25-102D of the Connecticut General Statutes, the member towns are Chester, Deep River, East Haddam, Essex, Haddam, Lyme, Old Lyme and Old Saybrook, including the Borough of Fenwick.

13. MOBILE HOMES. Any portable dwelling or any vehicle or vehicular accessory used or designed to be used for human habitation and with or without its wheels, rollers, or skids in place;

14. MOTOR VEHICLE, COMMERCIAL. A vehicle which is regularly used in the conduct of business, profession, or trade.

15.

16.

N.

1. NEIGHBORING LOT – Same as A.1. above

2. NEW CONSTRUCTION: Means structures for which the “start of construction” commenced on or after the effective date of the initial FIRM, (July 16, 1980), and includes any subsequent improvements to such structures.

3. NONCOMMERCIAL CUTTING. The cutting or removal of forest tree species on a lot for the purpose of preparing a site for the construction of a building or other structure and/or cutting for the customary maintenance and lot improvement. Sale of cordwood or other incidental forest products resulting from such maintenance and lot improvement shall not constitute commercial cutting;

4. NONCOMMERCIAL CUTTING PLAN. A plan showing the existing mix of forest tree species, their approximate height, age and density; a description of the cutting or removal activities to be undertaken and any other information that may be necessary and reasonably required.

5. NONCONFORMING IMPROVEMENT OR CHARACTERISTIC. Any improvement or characteristic of any land or improvement which does not conform to these Regulations, but which was legally and actually existing at the effective date of these Regulations or any pertinent amendment thereto;

6. NONCONFORMING BUILDING. Any building or improvement which is not in conformance with these Regulations, but which was legally and actually existing at the effective date of these Regulations or any pertinent amendment thereto;

7. NONCONFORMING LOT. Any lot which is in conformance with these

Regulations, but which was legally and actually existing at the effective date of these Regulations or any pertinent amendment thereto;

8. NONCONFORMING USE. Any use of land or improvement which is not a use permitted by these Regulations but which was legally and actually existing at the effective date of these Regulations or any pertinent amendment thereto;

9. NURSING SERVICES. A professional office providing nursing, home health care, and other health services primarily to persons located off-site, and including only accessory on-premises clinical services.

O.

1. OWNER - A person, persons or entity that is listed on a property card in the office of the Assessor as an "owner" of a property.

P.

1. PARCEL. See L.2. LOT

2. PARK OR PLAYGROUND. An area set apart for recreation of the public, to promote its health and enjoyment, and owned and operated by a government or non-profit agency. "Playground" indicates active recreation within a park with improvements such as swings, slides, basketball hoops, tennis courts, or the like.

3. PARKING, PUBLIC. A principal use consisting of offering to the public spaces within a building on the premises of the use of an improved surface for the parking or storage of motor vehicles;

4. PARKING, PRIVATE. A building or improved surface for the parking of motor vehicles accessory to another principal use.

5. PATIO. An improved or graded area located on the surface of the ground, with no structural supports other than subsurface base material and retaining walls. Compare to "Deck."

6. PAWN. To deposit in pledge or as security especially in exchange for money

7. PLOT. See L.2. LOT

8. PREMISES. A building together with its lot area and other appurtenances.

9. PRINCIPAL USE. The primary use of a property.

10. PROFESSIONAL OFFICE. The office of recognized professions such as physical therapists, psychologists, councilors, physicians, dentists, and others who perform services of a similar medical nature.

Q.

R.

1. RECHARGE AREA – Recharge Area means the drainage area of the topographical basin of any cone of depression of a town/public/quasi-public/private/water supply system. The boundary of the recharge area shall be the topographical divide of the basin containing the existing or potential well.

2. RECREATIONAL VEHICLE: A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towed by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Compare to “Manufactured Home.”

3. REFUSE. Waste, junk, garbage, debris, rubbish or trash, but not including sewage collected or disposed of in lawful facilities.

4. RENTAL/LEASE OCCUPANCY PERIOD: A period of time no less than thirty (30) continuous calendar days.

5. RESTAURANT. A place of business that provides food to patrons seated at tables or counters for on-premises consumption on a regular basis. The service of alcoholic beverages to patrons seated at tables as an appurtenance of a meal, or while waiting to be seated for a meal, shall be considered an accessory use to the principal use of a restaurant. Neither a restaurant nor any other place where food is sold or served shall be considered an accessory use to any use except that of a dining facility for the exclusive use of the employees of a business on the same premises shall be considered an accessory use to such business. A restaurant may provide a take-out service as long as said service is accessory to the principal on-premises consumption use.

6. RETAIL. To sell directly to the ultimate consumer to whom there is a sales tax charged as per Connecticut General Statute 12-408.

7. RIPARIAN AREA. The area upland of the Coastal Jurisdictional Line of the Connecticut River or any of its tributaries or associated wetlands located within the Conservation Zone.

8. RIPARIAN VEGETATION BUFFER The natural and traditional plant life indigenous to the Riparian Area as designated and mapped by the [Planning and] Zoning Commission, but not less than fifty (50') from the Coastal Jurisdiction Line, which plant life was legally existing as of the adoption of these Standards, and not to include grass, gardens, and ornamental shrubs and trees.

9. ROADWAY. Any way for, and open to, vehicular travel including a street, or a private right-of-way or easement for private use as a driveway. Compare to “Street” and “Driveway.”

10. RT. 9 GATEWAY (Key Node) DISTRICT: An area of town defined and as shown within the Plan of Conservation and Development prepared by the Town of Essex Planning Commission adopted November 12, 2015, or as amended.

S.

1. SCHOOL, PUBLIC. A premises or portion thereof that used for education or construction in any branch of knowledge, and is primarily funded by the Town of Essex or another government agency.

2. SCHOOL, PRIVATE. A premises or portion thereof that used for education or construction in any branch of knowledge, and is not primarily funded by the Town of Essex or another government agency, but rather from private funding sources.

3. SEDIMENT: Soil material, either mineral or organic, that is in suspension, is transported or has been moved from its site of origin by erosion.

4. SERVICE. The term “service” and its derivatives when used to describe a type of business use or establishment shall mean a business which does not involve the manufacture or sale of any tangible article, product, or commodity unless such article, product, or commodity is furnished as an accessory use in the course of providing a repair service or for the purpose of evidencing or documenting a service rendered;

5. SETBACK. The required open space measured perpendicularly between any improvement and a lot line.

6. SETBACK; FRONT, REAR AND SIDE. Front rear and side setbacks are measured perpendicularly from all points on the front, rear and side lot lines, respectively, which setbacks define the size and location of the yards required by these Regulations. Compare to “yard.” See Appendix C, Figure C-1 and C-5.

7. SETBACK, DRIVEWAY – *The lateral paved or surfaced portion of any driveway, common driveway or private roadway (other than a public street) shall not be located closer than five (5) feet to any side or rear lot line. Driveway grades shall not exceed twelve (12) per cent (%).*

8. SIGN – ~~(to replace the definition in Section 20)~~ An exterior sign or permanent interior sign facing outward used to attract attention to a use, event, candidate or building, and visible from any street or from any lot other than the lot on which the sign is located. Such devices to include a panel, advertising awning, flag, inflated figure or device, illustration, logo, insignia, lettering, picture, poster, balloon, lighting or other graphic display however made, displayed, painted, supported or attached, and shall not include any flag, pennant or insignia of any governmental unit or nonprofit organization; any building feature, including roof or other special illumination, special colors or effects, or building or roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol.

9. SIGN AREA. The area of a sign shall be the area of the signboard to or upon which the letters or other designs are affixed or painted, except that where the letters or designs of a single sign are separate and without a common signboard, the area of such sign shall be the aggregate character area of all such letters and designs used in the sign. The character area of a letter or design shall be determined by multiplying

the maximum height by the maximum width of such letter or design. Sign posts/supports are not included as sign area. See Appendix C, Figure C-7.

10. SIGN, AWNING. See S 12. SIGN, PROJECTING

11. SIGN, BILLBOARD. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located; or any sign larger than one fifth square feet in area.

12. SIGN, DYNAMIC – A sign that moves or rotates either mechanically or by the wind, changes context or content, or is illuminated by a light source which visibly flashes, oscillates or otherwise automatically changes in intensity or color, other than video screens not larger than one (1) square foot accessory to fuel pumps at a service station.

13. SIGN, DIRECTLY ILLUMINATED. Any Sign designed to give forth any artificial light directly or indirectly through any transparent, reflective, translucent or similar material, from a source of light contained within, upon, or otherwise structurally integrated into such Sign; but not including a “channel” letter in which the light source is concealed within the rear side of a hollow, opaque letter mounted on a wall, with the letter silhouetted against the halo of the reflected light.

14. SIGN, INDIRECTLY ILLUMINATED. A Sign illuminated by a light source which is remote from the sign structure and so shielded that no direct rays therefrom are visible elsewhere than on the Sign Face, or the area immediately around it, but in no event visible off the Lot where said Sign is located. If such shielding is defective or fails to conform to the criteria of this definition, such Sign shall be deemed to be a Directly Illuminated Sign.

15. SIGN, ELECTRONIC MESSAGE CENTER. A sign that uses lights or other electronic means to display messages that change periodically.

16. SIGN, FREESTANDING – A sign that is set into the ground upon a base by one or more posts. A sign may be attached directly to the posts or hanging from an arm that is attached to a post.

17. SIGN, OFF-PREMISES – A sign that advertises a place, product or activity that is located on a different property than where the sign is located.

18. SIGN, PROJECTING – A sign that extends perpendicularly or at an angle from the external wall of a building.

19. SIGN, REAL ESTATE – A sign that advertises the sale or rent of a commercial or residential property.

20. SIGN, ROOF. Any Sign erected, constructed, or maintained upon the roof of a building or otherwise above the eave line.

21. SIGN, TEMPORARY – A sign that is intended to not be in use for more than thirty (30) consecutive days.

22. SIGN, SEASONAL SALES – A sign that advertises an agricultural product that has a limited time frame for its availability to the public.

23. SIGN, VEHICLE. A stationary, wheeled vehicle such as, but not limited to, a box truck or trailer that is serving the function of an advertising sign and parked obviously and conspicuously near a road for more than a twelve-hour period of time with an intent of advertising a business to passing motorists or pedestrians;

24. SIGN, WALL – A sign that is affixed or painted on to an exterior wall of a building.

25. SITE PLAN A plan which includes the description and location of all existing and/or proposed buildings, structures and uses on a lot; utility lines, vehicular drives and parking areas, access, lighting, drainage and waste disposal facilities; adjacent ownership, outstanding physical features, watercourses and wetlands; any proposed modification or alternation of the lot's natural features, including the disturbance of vegetation and soil cover; and such further information as may reasonably be required.
See Appendix B

26. SOIL EROSION AND CONTROL PLAN: A scheme, *plan, details and narrative* that, *when implemented*, minimizes soil erosion and sedimentation resulting from development and includes, but not limited to, a map and narrative.

27. SPECIAL FLOOD HAZARD AREA: The land in the flood plain subject to a one percent or greater chance of flooding in any given year as depicted on the current Flood Insurance Rate Maps on file with the Town Clerk

28. START OF CONSTRUCTION: “Start of construction” (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-3481), includes substantial improvement, and means the date that the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

29. STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between any floor and the ceiling next above it;

30. STORY ABOVE GRADE. Any story having its finished floor surface entirely above grade, and any other story having its finished floor surface partially or entirely below grade where the surface of the floor next above is more than six (6') feet above grade for more than fifty (50) percent of the total perimeter of the building or more than twelve (12') feet at any point.

31. STREET. Any roadway which has been accepted by the Town or State for, and is open to, vehicular travel by the general public, including private streets maintained by the Town of Essex and also including subdivision streets;

32. STREET, SUBDIVISION. Any road which is within a subdivision and is shown on a plan of subdivision approved by the Essex Planning Commission and which is for, and is open to, vehicular travel by the general public or by all residents of the subdivision;

33. STRUCTURE: Anything constructed or which is located on, above or beneath the ground including anything located on, above or beneath the water which is not primarily utilized or intended for navigation. Not to include driveways, sidewalks, parking areas, curbing, or accessory structures under the jurisdiction of the Director of Health, or accessory structures less than eight (8') feet in height.

34. STRUCTURE, PERMANENT. Any structure constructed to stay in a single location.

35. STRUCTURE, TEMPORARY. Any structure, including, but not limited to PODS and other metal storage containers, constructed or located on a property to stay in one location for no more than ninety (90) days *on the same parcel in any calendar year.* Such structures to comply with all lot requirements of an accessory building.

36. SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

37. SUBSTANTIAL IMPROVEMENT: Any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place during a five-year time period as determined by the Town, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure as determined at the beginning of such five (5) year period. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a "historic structure" provided that the alteration will not preclude

the structure's continued designation as a "historic structure".

T.

1. TAG SALE. See Y.5 YARD SALE
2. TERRACE. See "Patio."
3. TOWN. The Town of Essex;
4. TRUCK PARKING SPACE(S) – One or more designated spaces(s) for service and delivery to a use located on the same premises and adjacent to that use. Loading spaces are not to be located within any other parking spaces, travel lanes, parking aisles, entrances and exits

U.

1. USE. Any purpose for which a building, structure, or premises may be designed, arranged, intended, maintained, or occupied; or, any activity, occupation, business, or operation actually carried on in a building or other structure or on a lot or parcel.
2. ACCESSORY. See "Accessory Use."
3. USE, GENERAL. A use permitted as of right by these Regulations, including by Site Plan Review or Zoning Permit.
4. USE, SPECIAL. A use permitted by Special Exception in accordance with these Regulations.
5. USE, UNDERLYING ZONING DISTRICT. In the case of an overlay zone, those uses permitted in the zoning district over which the overlay zone is located.

V.

1. VARIANCE. Authority granted by the Essex Zoning Board of Appeals to an owner to use their property in a manner otherwise forbidden by the zoning regulations.
2. VEGETATION. The natural and traditional plant life of a region legally existing as of the adoption of these Standards, and not to include grass, gardens and ornamental shrubs and trees.
3. VEGETABLE, FRUIT AND FLOWER STAND. A frame building not exceeding 200 square feet in area used for the sale of farm or garden produce raised on the same premises on which such building is located or on other premises of the owner of the premises on which it is located;
4. VIEWSHED ANALYSIS. A visual impact evaluation comprising, at a minimum, topographic maps and photographs showing the site, with such photographs taken from locations along the Connecticut River upriver, downriver, and

opposite the site.

5. VIOLATION: Failure of a structure or other development to be fully compliant with the community's floodplain management regulation. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

W.

1. WATERCOURSES. Those areas identified and defined in Section 22a-38 of the Connecticut General Statutes as the same may hereafter from time to time be amended;

2. WATER SURFACE ELEVATION: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

3. WETLANDS. Those areas identified and defined in Section 22a-32 and 22a-38 of the Connecticut General Statutes as the same may hereafter from time to time be amended.

4. WHOLESALE. The sale of commodities in quantity usually for resale (as to a retail merchant).

X.

Y.

1. YARD: An area on the same property with a building which lies between said building and the nearest lot line (i.e. the area defined from the structure outward). Also see S.3 SETBACK and Appendix C Figures C-1, C-4 & C5.

2. YARD, FRONT: The area extending across the full width of a lot from the principal building or any covered porch, garage or addition which extends from the principal building to the front yard. See Appendix C, Figure C-4.

3. YARD, REAR: The area extending across the full width of the parcel from the principal building or any covered porch, garage or addition which extends from the principal building to the lot line most opposite the front lot line See Appendix C, Figure C-4.

4. YARD, SIDE: The area from the principal building or any covered porch, garage or addition which extends from the principal building to the side lot line between the front yard and rear yard. See Appendix C, Figure C-4.

5. YARD SALE. Means the occasional sale of household goods, handcrafted items and/or items for wholesale conducted on the premises of the owner, craftsman of the

goods and/or wholesaler to be sold at a maximum frequency of four (4) times per calendar year with a maximum of two (2) consecutive days per event.

Z.

Appendix A

Table of Amendments

For reference purposes only. Not a legally adopted part of these regulations. The Town of Essex has had zoning regulations in effect since -----.

| Date of Vote | Effective Date | Subject of Amendment |
|---------------------|-----------------------|-----------------------------|
|---------------------|-----------------------|-----------------------------|

Appendix B

Site Plan Standards

A. Each Special Exception application shall include a Site Development Plan(s) showing the following information:

1. The names and addresses of the owner or owners of the premises of the proposed use and the name and address of the applicant if different from the owner;
2. date, scale, north point, town and state;
3. the layout, location, and boundaries of any proposed roadways;
4. An A-2 Boundary Survey certified by a Ct Licensed Land Surveyor completed within the last ten (10) years showing all existing and proposed boundary lines and survey monuments;
5. any municipal boundary lines and zoning district boundary lines, including a notation of the municipalities and zoning districts involved;
6. a notation of the general nature, and the layout, location and dimensions of all land within the premises of the proposed use burdened by any existing real estate covenants, restrictions, rights-of-way and easements of any nature;
7. Listing of all previous land use permits approved for the parcel.
8. all existing, and any proposed relocation of, watercourses, whether intermittent or continuous flowing, the location and dimensions of all areas reserved or to be reserved for the protection of watercourses, wetlands, flood plains or other land subject to potential flooding;
9. a notation of the total area of the premises of the proposed use;
10. a computation of the ratio of total lot area coverage of all existing and proposed buildings and parking facilities to the prescribed maximum building coverage and maximum lot coverage;
11. the location, including setback distances, of all existing and proposed buildings and structures;
12. the dimensions, including height, of all existing and proposed buildings and structures;
13. the location and width of the pavement or surfacing of any proposed roadway or parking facility;
14. the location of any existing and proposed storm drains, catch basins, manholes, ditches, watercourses, headwalls, sidewalks, gutters, curbs and other structures and improvements; and existing and proposed water mains, sanitary sewers and related facilities;

15. the location and dimensions of all existing and proposed roadways, sidewalks, parking facilities, open spaces, playgrounds or other recreational areas, including the nature and extent of any proposed disturbance of vegetation and/or soil cover;

16. the location of the percolation tests and observation pits referred to in the data prescribed in Section 115 A.5.; the location proposed for any water supply well site and the location and dimensions of the areas suitable for leaching fields for any existing or proposed on-site sewage disposal system and the reserve areas for future fields;

17. a planimetric and topographic survey showing all existing and proposed contours at intervals not exceeding two feet based on field or aerial survey and using U.S.G.S. vertical datum; the benchmark used for the field or aerial survey shall be noted on the plan;

18. the field location of the boundaries, as required by the Town of Essex Wetlands Commission and, as defined by a Connecticut Registered Soils Scientist of any and all wetlands or watercourses upon, and within 75 feet outside the boundaries of, the premises of the proposed use;

19. the boundaries and classification codes of soil types under the National Cooperative Soil Survey of the Soil Conservation Services, the U.S. Department of Agriculture;

20. the limits of any areas proposed for re-grading by excavation or filling; and the limits of any areas proposed to be reserved and protected from excavation or filling;

21. *the* boundaries of any special flood hazard area as defined by Article VI, Section 605 of these regulations, and the minimum floor elevations for any new construction or substantial improvement of buildings and other structures within that area;

22. whether or not Article IV, Section 407 may apply, if more than one permitted individual principal use is proposed to occupy any portion of the gross floor area of any existing or proposed building, an accurate account of the gross floor area to be occupied by each proposed use or proposed uses within such space shall be provided. In addition, the location and calculations of all parking spaces prescribed for each such proposed use shall be provided. Nothing in this Section shall be construed to prohibit the providing of more than the minimum amount of parking for each such proposed use or proposed uses.

23. Additional requirements as per Article VI – TOWN-WIDE REQUIREMENTS.

B. SANITATION LETTER AND DATA. Except when the use to which such application relates does not involve any existing or proposed buildings to be used for human occupancy or when any such buildings are to be served by a municipal sewer system or by a mechanical, chemical or other device approved by the Connecticut Department of Health which does not involve subsurface disposal of septic effluent; a letter from the Town Director of Health or the Town Sanitarian stating that the premises to which such application relates is satisfactory for a private on-site subsurface sewage disposal and water supply system, together with, in writing, all of the observation data and results obtained of all of the percolation tests made for the

purpose of determining the suitability of soil conditions for subsurface sewage disposal, including a description of the methods of making such tests and of obtaining such data as prescribed by the State Health Code (the location of all percolation tests and observation pits shall be accurately shown on the Site Development Plan referred to in Section 115 A.4.

Application Checklist for Special Exception

This checklist is to be completed by the applicant(s) and submitted to the Commission along with a completed application for Special Exception. Information should also appear on the site development plan and within the support documents as appropriate. No section may be left incomplete. Where no area in the “waiver” category is provided for check-off, submission of information is always mandatory.

Waiver(s) may be granted by the Commission pursuant to Article I, Section 115 A.11. for the furnishing of item(s) of information in which the Commission finds that such item(s) are not relevant to the proper disposition of an application. Such waiver(s) are limited to the furnishing of said information and do not include a request for delay in time to submit necessary items.

Nothing in this section shall prohibit an applicant(s) from requesting a waiver(s) in advance of submitting an application for Special Exception to the Commission.

This checklist shall be complete when signed and dated by the applicant(s) where such signatures and date shall be entered no later than the actual date of the submission of said application.

Submission Checklist

| SECTION No. | DESCRIPTION | PROVIDED | | | WAIVER REQUEST |
|-------------|--|----------|----|-----|----------------|
| | | YES | NO | N/A | |
| ARTICLE I | | | | | |
| 115A.1.1. | Owner | | | | |
| 115A.1.2. | Purchaser with Owner's written consent | | | | |
| 115A.1.3. | Lessee with Owner's written consent | | | | |
| 115A.2. | Premise Owner's Signature | | | | |
| 115A.3. | Filing Fees | | | | |
| 115A.4. | Application Documents- 15 copies | | | | |
| 115A.5.1. | Description of Premises | | | | |
| 115A.5.2. | List of Neighboring Owners | | | | |
| 115A.5.3. | Description of Proposed Use | | | | |
| 115A.6 | Inland Wetlands Permit and Report | | | | |
| 115A.7 | Water Company CPCN | | | | |
| 115A.8 | Site Development Plan | | | | |
| Appendix B | | | | | |
| A.1. | Owner / Applicant Name | | | | |
| A.2. | Plan Data | | | | |
| A.3. | Roadways | | | | |
| A.4. | A-2 Boundary Survey | | | | |
| A.5. | Municipal / District Boundaries | | | | |
| A.6. | Easements / R-O-W / etc. | | | | |
| A.7. | Previous Land Use Permits | | | | |
| A.8. | Wetlands and Watercourses | | | | |
| A.9. | Total Premise Area Use | | | | |

| | | | | | |
|------------|--|--|--|--|--|
| A.10. | Building / Lot Coverage | | | | |
| A.11. | Location / Setback Data | | | | |
| A.12. | Building / Structure Dimension Signs and Lighting | | | | |
| A.13. | Roadways and Parking` | | | | |
| A.14. | Infrastructure Data | | | | |
| A.15. | Circulation, Recreation, Open Space | | | | |
| A.16. | Soil, Testing, Well & Septic layout | | | | |
| A.17. | Planimetric/Topographic Survey | | | | |
| A.18. | Soils Classifications | | | | |
| A.19. | Proposed Grading | | | | |
| A.20. | Special Flood Hazard Area | | | | |
| A.21. | Floor Area Calcs. | | | | |
| B. | Sanitation Letter & Data (see note below) | | | | |
| Article VI | | | | | |
| 602 | Parking Calculations | | | | |
| 603 | Signage, Lighting | | | | |
| 604 | Landscaping | | | | |
| 605 | Flood Plain | | | | |
| 606 | Erosion & Sediment Control | | | | |
| 608 | Drainage and Storm Water Control | | | | |
| 609 | Traffic Control | | | | |
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| Article 1 | | | | | |
| 115A.9. | Multiple Dwelling Projects | | | | |
| | | | | | |
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| 115A.11. | Waiver Requests (written) | | | | |

| | | | | | |
|-------------|--|--|--|--|--|
| 115A.12. | Maps, Drawings, Certification | | | | |
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| 302A.4.2. | Coastal Management District | | | | |
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| Note: | Application submitted to town Director of Health or Town Sanitarian for review | | | | |

Appendix C

List of Figures

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Figure C-1
Lot Line Diagram

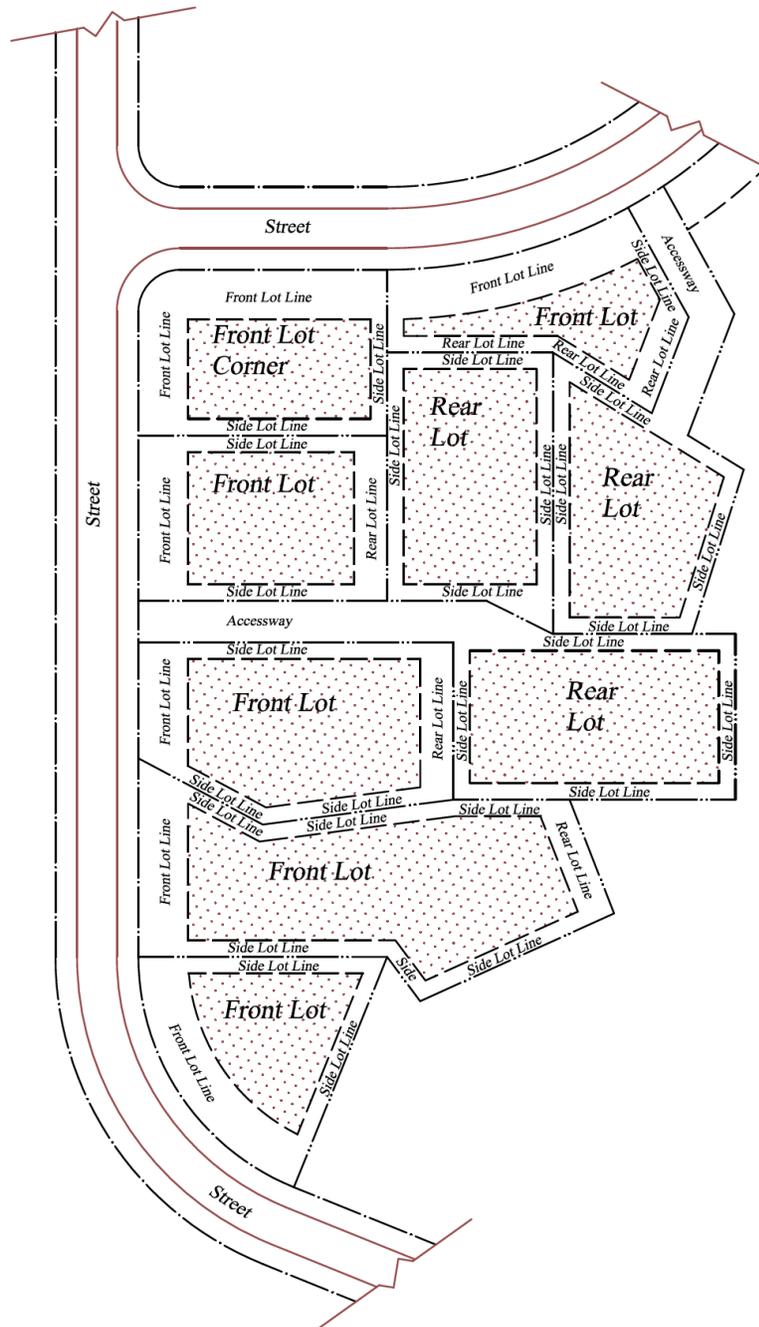


Figure C-2
Building Coverage

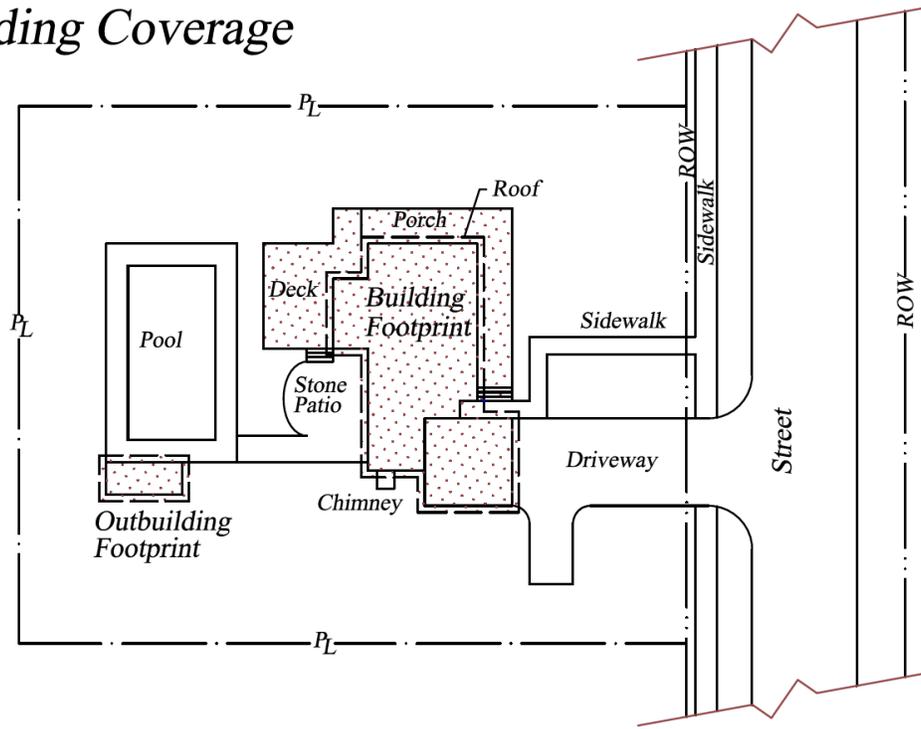


Figure C-3
Impervious Coverage

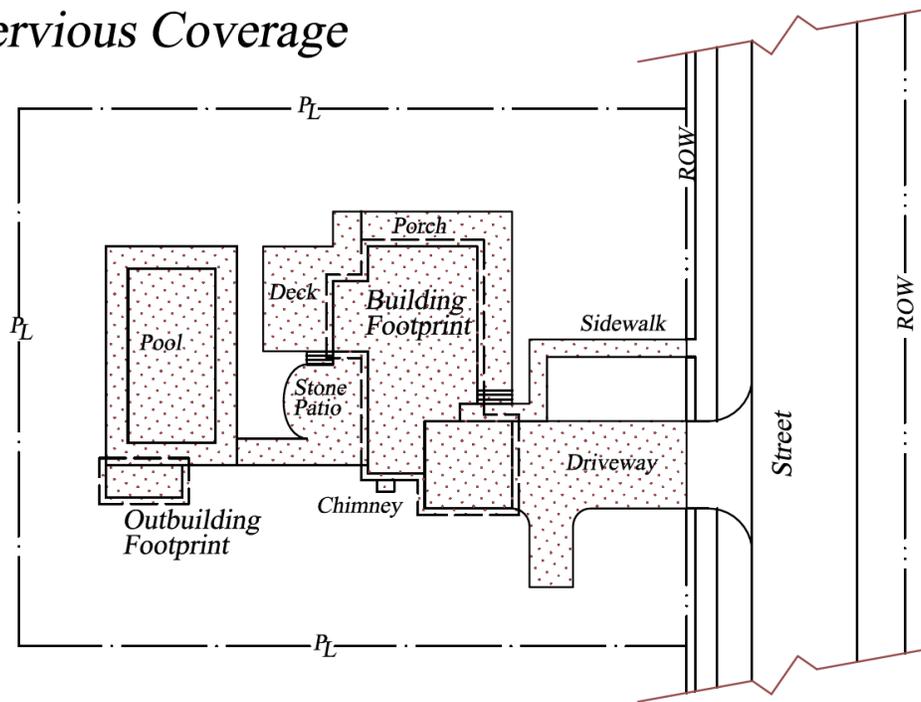


Figure C-4
"Yard" Location Diagram

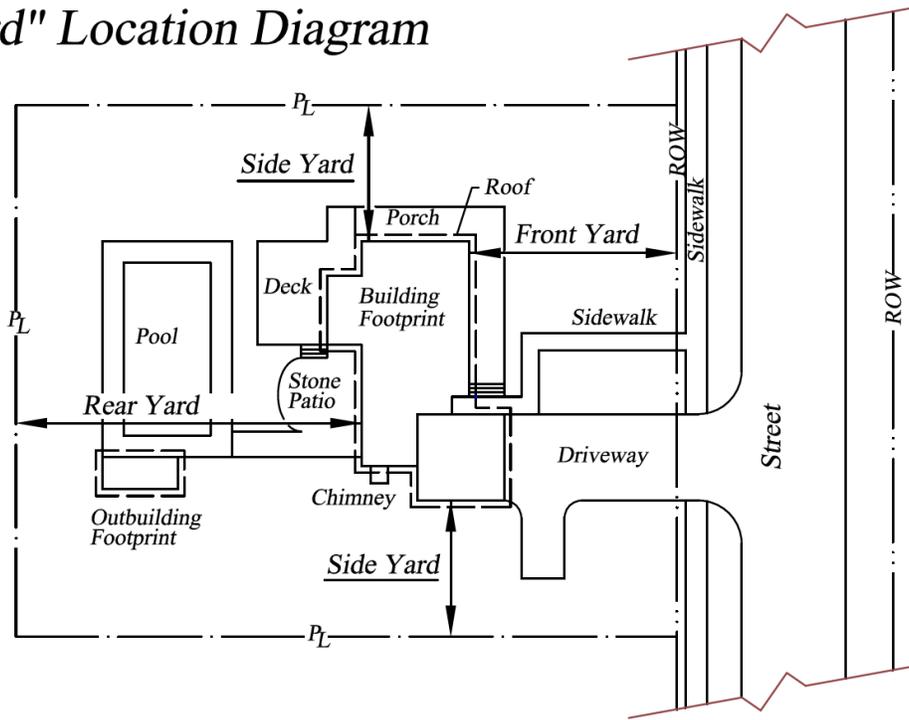


Figure C-5
"Yard Setback" Location Diagram

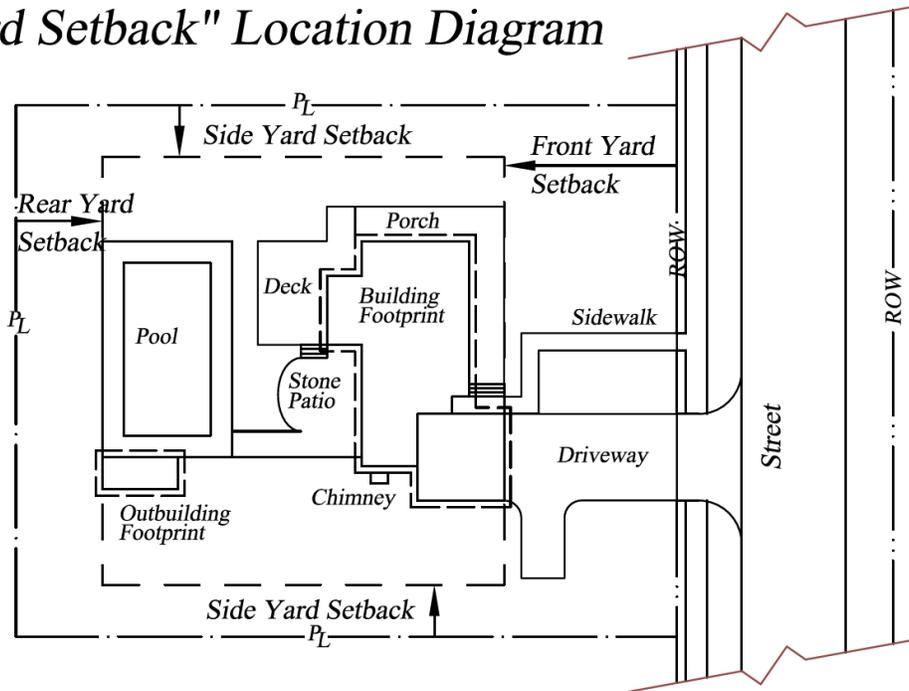
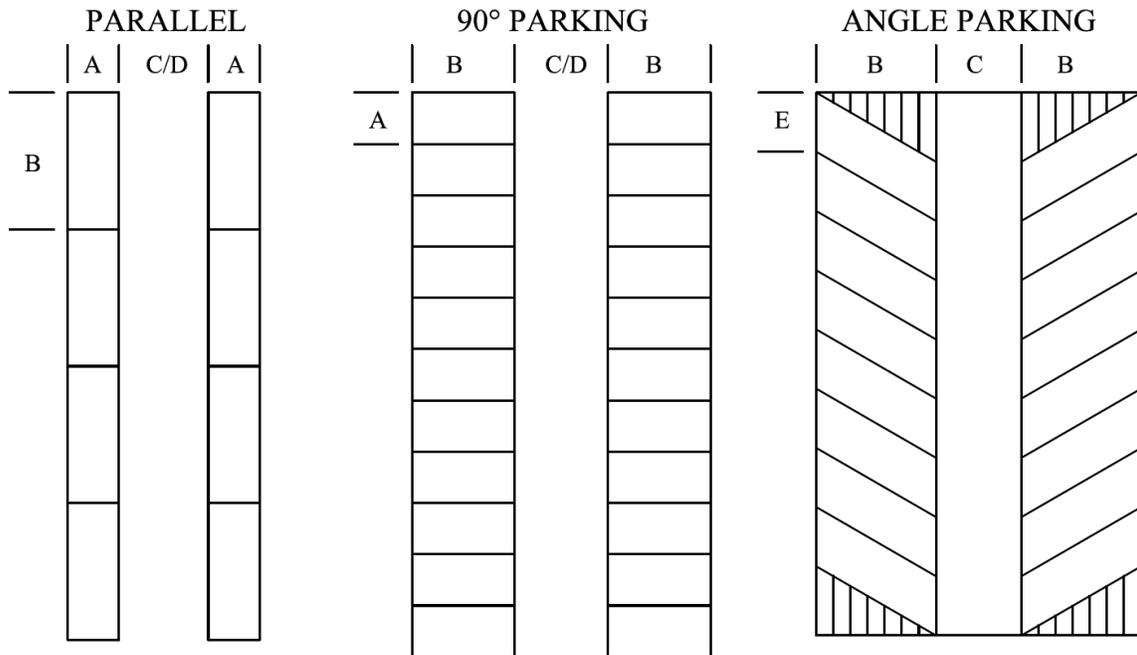


Figure C-6
Parking Dimensions and Layout

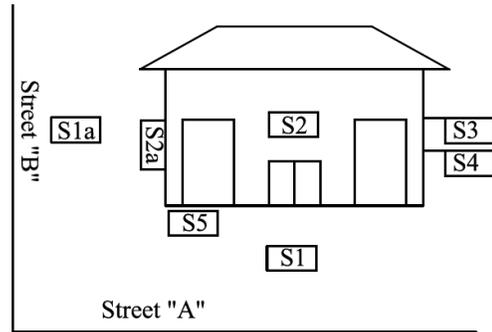


| Dimension | | Stall Angle | | | | |
|---------------------------------|----|-------------|---------|---------|---------|---------|
| | | P | 30 | 45 | 60 | 90 |
| Stall Width | A | 9'-00" | 9'-00" | 9'-00" | 9'-00" | 9'-00" |
| Stall Length * | B | 24'-00" | 16'-10" | 19'-10" | 21'-00" | 18'-00" |
| Aisle Width One-Way | C | 12'-00" | 12'-00" | 15'-00" | 18'-00" | 24'-00" |
| Aisle Width Two-Way | D | 24'-00" | N/A | N/A | N/A | 24'-00" |
| Stall Width at Curb | E | N/A | 18'-00" | 12'-09" | 10'-05" | 9'-00" |
| Access Drive Min. Width One-Way | -- | 14'-00" | 14'-00" | 14'-00" | 14'-00" | 14'-00" |
| Access Drive Min. Width Two-Way | -- | 24'-00" | 24'-00" | 24'-00" | 24'-00" | 24'-00" |

* Parking Layouts facing and abutting pedestrian walkways shall have stall lengths equal to 20'-00" in length or provide anchored wheel stops.

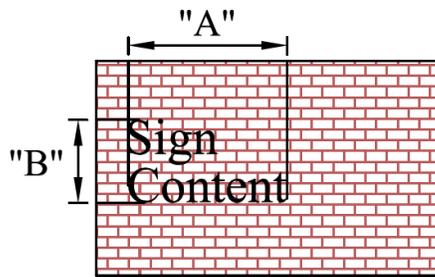
Figure C-7
Sign Illustrations:
Locations
Area Calculations

Sign Locations



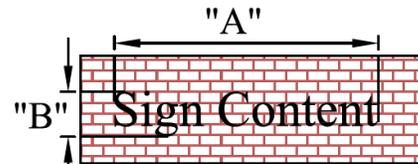
S1, S1a Free Standing S4 Projecting
 S2, S2a Building Mounted S5 A-Frame
 S3 Awning

Sign with No Background or Panel (letters on building wall)



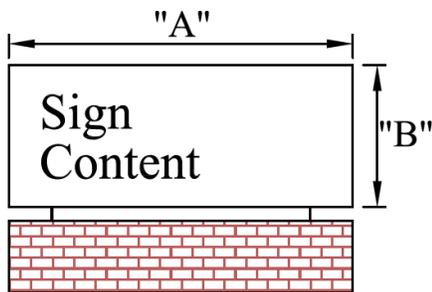
Sign Area = "A" x "B"

Sign with No Background or Panel (letters on stone wall)



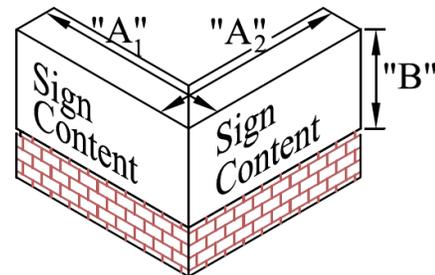
Sign Area = "A" x "B"

Sign with Background Panel



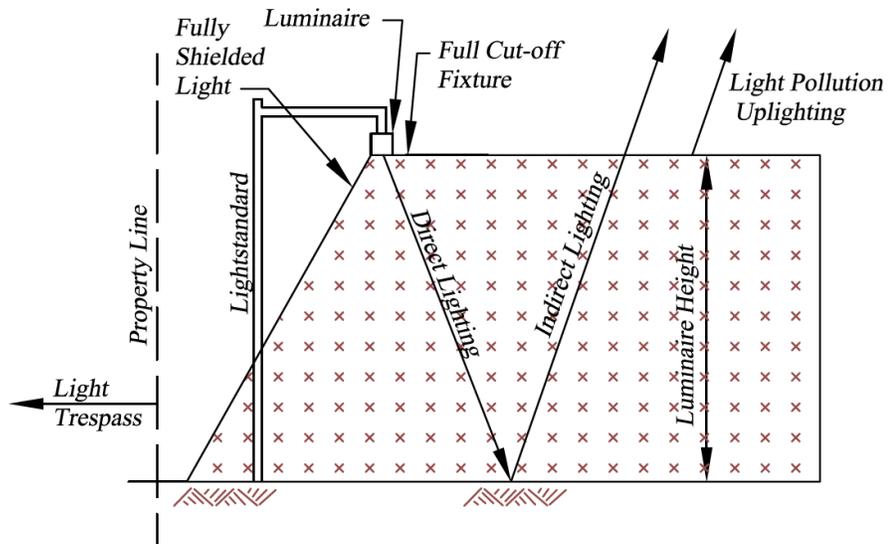
Sign Area = "A" x "B"

Sign with Multiple Faces

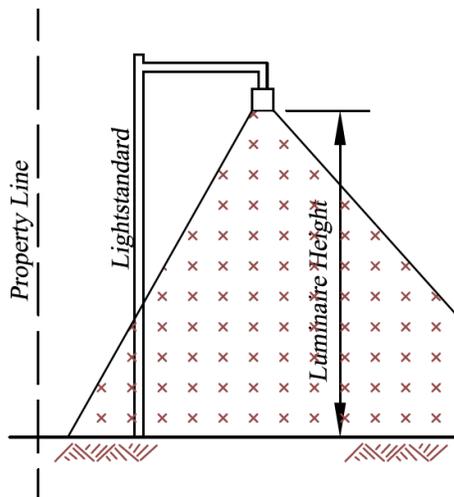


Sign Area = ("A₁" x "B") + ("A₂" x "B")

Figure C-8
Lighting/Illumination Diagrams



Luminaire Shielded



Luminaire Non-Shielded

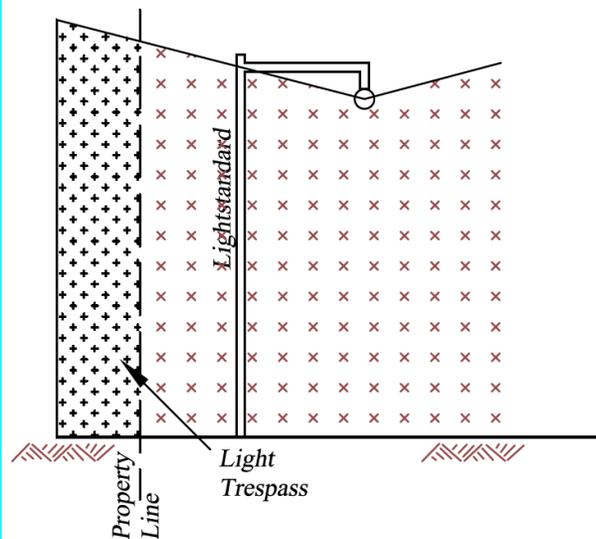


Figure C-9
Special Floodway Hazard Area

